



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
61 FORSYTH STREET, S.W., ROOM 12T20
ATLANTA, GA 30303

MEMORANDUM OF INTERVIEW

Interview Date:	August 21, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C) Silverton, CO
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 21, 2015, (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C), Environmental Restoration LLC (ER), regarding the August 5, 2015 release of approximately 3 million gallons of contaminated water from the Gold King Mine into the Animas River, via the Cement Creek tributary. Also present at this interview was (b) (6), (b) (7) EPA-OIG Program Evaluator and (b) (6), (b) (7), legal counsel for ER. After proper identification was shown and being advised about the nature of the interview, (b) (6), (b) (7) provided the following information:

Biographical:

(b) (6), (b) (7)(C)

(b) (7)

RESTRICTED INFORMATION

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(b) (6), (b) (7)(C)

(b)

(b)

Involvement with Gold King Mine

ER is an Emergency and Rapid Response Services (ERRS) contractor for EPA Region 8, Denver Colorado. It is under this contract that ER was tasked to serve as the primary contractor for EPA activities at the Red & Bonita and Gold King mines. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) All activity in this general area was described as getting into mines to get a better understanding from where the water was coming so a plan could be developed to stop or reduce the flow of water from the mines.

In late August 2014, ER was tasked with performing activities at the Gold King Mine. ER was already involved in activities at the Red and Bonita Mine. (b) (6), (b) (7) believed that the ultimate goal was to open the Gold King Mine so it could be decommissioned in a manner as the Red and Bonita Mine.

(b) (6), (b) (7) described the Gold King Mine site as a dirt hill with a pipe coming out it. The pipe had been previously installed by the State. A second pipe previously installed by the State had been buried.

After the Gold King Mine site was evaluated, (b) (6), (b) (7)(C) was “not comfortable” with proceeding with activities. It was late in the work season and the Gold King Mine site was “more than (b) (6) wanted to tackle at that time of year.”

The only activity performed at Gold King Mine in 2014 was the installation of two drain pipes. (b) (6), (b) (7) postponed all planned activities until 2015 to provide more time to plan for the upcoming activities at Gold King Mine.

(b) (6), (b) (7)(C)

The “end goal” of the EPA 2015 plan for Gold King Mine was to open up the mine, rehabilitate the portal and possibly rehabilitate 75 to 100 feet of tunnel so that EPA could enter the mine and “see what was going on.”

Two adits were discharging water at the Gold King Mine site. The main concern centered on the larger discharge. The plan was to re-grade the top of the mine dump in front of the adit to get the water “flowing in the right direction.” Then a “stinger” would be installed to remove the water. Once the water was removed, a secure portal would be opened by “working in from the outside.”

Events Leading to Release of Water from the Gold King Mine

On July 22, 2015, ER started activities at the Gold King Mine. The initial activities involved rebuilding the road leading to the adit. Once accomplished, the top of the mine dump was regarded. (b) (6), (b) (7)(C)

On August 4, 2015, excavation activities around the adit were initiated. (b) (6), (b) (7)(C)

On August 5, 2015, at approximately 7:30 am, a safety briefing was held. (b) (6), (b) (7)(C) After the briefing, excavation activities continued at Gold King Mine. The purpose of the excavation was an investigation of what the rock conditions were at Gold King Mine. Because so much of the rock was fractured (described as “terrible”), the search was for “competent” rock. This information was needed because the underground contractor would know what “they have to deal with.” The underground contractor would be instrumental in securing and safeguarding the adit portal.

August 5, 2015, activities were not an attempt to install a “stinger” to remove water from the mine. No decision had been made as to when, or if, the installation of the “stinger” would occur.

(b) (6), (b) (7)(C)

Loose dirt/waste rock, material previously removed from the mine, was utilized to create a raised area from which the excavator would work. This raised area permitted the excavator to reach area well above the adit. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

At some point, someone noticed “a clear spring of water” coming out an area “way above where anyone expected” water. (b) (6), (b) (7)(C)

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up to examine the discharge. Eventually the discharge turned orange and the adit burst open releasing a large quantity of water. All personnel present were able to move away from the adit prior to the blow-out so no one was injured. (b) (6), (b) (7)(C) was unable to estimate the length of time from when the discharge was first noticed and the blow-out event.

There was no cellular service at the site (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) of the release, via two way radio. (b) (6), (b) (7)(C) was directed to get (b) (6), (b) (7)(C) and block the road (north access) to prevent access to the affected area. (b) (6), (b) (7)(C) were also directed to notify a home building crew in the area so they would not travel into the affected area when they left.

(b) (6), (b) (7)(C) had radio contact with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) requested that they notify authorities downstream of the release. They agreed. Ultimately, (b) (6), (b) (7)(C) was made aware of all notifications made by (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) had notified San Juan County personnel in the area; however, they were already aware of the release by the time they were contacted (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) made telephonic contact with (b) (6), (b) (7)(C) to discuss the incident.

(b) (6), (b) (7)(C) All procedures were followed and there were no delays in making the appropriate notifications.

Current Activities at Gold King Mine

Since the blow-out, the scope of work for the Gold King Mine site has changed. The current scope of work consists of:

- rebuilding the mine dump in front of the adit;
- clear the drainage structure of all obstructions and debris; and
- construct a water treatment system for the water discharging from Gold King Mine at Gladstone.

Additional Information

(b) (6), (b) (7)(C) No ER employee ever expressed concerns over activities conducted or planned for the site. ER agreed to provide EPA-OIG with a copy of (b) (6), (b) (7)(C) field log.

The Emergency Action Plan for this site was prepared (b) (6), (b) (7)(C). This plan contained responses for different contingencies; however, a blow-out such as the one which occurred was not one of the contingencies specifically listed. No one associated with activities at the Gold King Mine “thought in their wildest dreams there was 3 million gallons of water back there” (behind the blocked Gold King Mine level 7 Barbara adit).

Each construction site has a Health and Safety Plan. Because the Red & Bonita and Gold King Mine sites were in similar areas with similar circumstances, the plans were very similar. ER created a Health and Safety Plan for Gold King Mine. This plan contained information related to general site hazards, emergency contacts and emergency action plans. Safety briefings were held each day prior to commencing work at the Red & Bonita and Gold King mines. All employees were required to attend these briefings. Sign-in sheets were maintained which identified the employees at these briefings. ER agreed to provide EPA-OIG with a copy of its Health and Safety Plan for the Gold King Mine, as well as a copy of the safety briefing sign-in for August 4 & 5, 2015.

An EPA OSC was present at the site every day. (b) (6), (b) (7)(C) on a daily basis with regard to work orders. Most communications were verbal. Submission of written reports to OSC's varied from periods in which they were done - daily to every 4 or 5 days.

(b) (6), (b) (7)(C) ER employees possess photographs and video depicting the Gold King Mine prior to and after the release. ER agreed to provide EPA-OIG with copies of these items.

(b) (6), (b) (7)(C) was unfamiliar with the activities associated with the removal of water from the site. While there were discussions/questioning if there was a connection between water at Gold King and other mines, (b) (6), (b) (7) refused to speculate on this, or to the cause of the water release from Gold King Mine because these topics were not in (b) (6) area of expertise. However, (b) (6), (b) (7) opined that based on the conditions (b) (6) observed at Gold King Mine, a blow-out was inevitable.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Nothing further.



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MEMORANDUM OF INTERVIEW

Interview Date:	August 21, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C) Silverton, Colorado
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 21, 2015, (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) Environmental Restoration LLC (ER), regarding the August 5, 2015 release of approximately 3 million gallons of contaminated water from the Gold King Mine into the Animas River, via the Cement Creek tributary. Also present at this interview was (b) (6), (b) (7)(C) EPA-OIG Program Evaluator (b) (6), (b) (7)(C), legal counsel for ER. After proper identification was shown and being advised about the nature of the interview, (b) (6) provided the following information:

Biographical:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

Background

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Activities Related to August 5, 2015 Water Release from Gold King Mine

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

There was no cellular service at the Red & Bonita and Gold King Mine sites so all communications were conducted via two-way radio. However, there was an operable satellite phone located in the construction trailer.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6)

(b) (7)

Additional Information

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Nothing further.



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MEMORANDUM OF INTERVIEW

Interview Date:	August 21, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C) Silverton, Colorado
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C) EPA-OIG Program Evaluator and (b) (6), (b) (7)(C) ER Legal Counsel

On August 21, 2015, (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) Environmental Restoration LLC (ER), regarding the August 5, 2015 release of approximately 3 million gallons of contaminated water from the Gold King Mine into the Animas River, via the Cement Creek tributary. Also present at this interview was (b) (6), (b) (7)(C) EPA-OIG Program Evaluator and (b) (6), (b) (7)(C), legal counsel for ER. After proper identification was shown and being advised about the nature of the interview, (b) (6), (b) (7) provided the following information:

Biographical:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (7)

Background

(b) (6), (b) (7)(C)

(b) (7)

- (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Activities Related to August 5, 2015 Water Release from Gold King Mine

(b) (6), (b) (7)(C)

Safety briefings were held each day before work started at either site.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)

(b) (7)(C)

The “original” plan called for the removal of water pooled behind the blockage at the mine’s adit and the possible opening of the mine adit. There was some concern because while it (quantity of water) could be estimated, the amount of water behind the blockage/collapse was unknown. Therefore, the excavation activities conducted at the Gold King Mine that date were an

investigative effort to determine if the attempt at water removal, and future mine opening, was possible or feasible.

(b) (6), (b) (7)(C)

[REDACTED]

[REDACTED] (b) (7)

(b) (6), (b) (7)(C)

(b) (7) (b) (6), (b) (7)(C)

(b) (7)(C) (b) (7) (b) (6)

[REDACTED]

(b) (6), (b) (7)(C)

[REDACTED]

(b) (b) (6) (b) (7)(C)

(b) (6), (b) (7)(C)

Additional Information

(b) (6), (b) (7)(C)

(b) (7)

Agent's Note: (b) (6), (b) (7)(C) legal counsel for ER, agreed to collect photos of the site from ER employees and provide them to EPA-OIG.

(b) (6), (b) (7)(C) the ER Health and Safety Plane for the sites. In the event of an emergency, ER personnel were to meet in a specified area.

(b) (6), (b) (7)(C)

Nothing further.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

MEMORANDUM OF INTERVIEW

Interview Date:	AUGUST 21, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C) Silverton, CO
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

Background:

On August 21, 2015, (b) (6), (b) (7)(C) U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), interviewed (b) (6), (b) (7)(C). The purpose of this interview was to obtain information about the release of mine waste water from the Gold King Mine (GKM) near Silverton, Colorado. After the Reporting Agent identified (b) (6), (b) (7)(C) as a Special Agent with EPA's OIG, (b) (6) provided the following information:

(b) (6), (b) (7)(C)

The GKM became a focus project for EPA in 2013/2014. (b) (6), (b) (7)(C)

Planning for work at the GKM began by collaborating with the Colorado Division of Reclamation, Mining and Safety (DRMS). (b) (6), (b) (7)(C) historical information of the GKM, flow data from the current discharge, interviewed former miners and met with the Animas River Stakeholder group. Discharge and flow data from the Red and Bonita mines was also reviewed. Sub-contractors Harrison-Western were also involved in the planning process. (b) (6), (b) (7)(C)

[REDACTED] The plan developed for the mine was general so it could allow for flexibility. Not all contingencies can be anticipated, such as needing different sized pipes, material, etc.

The work initially conducted at the Red and Bonita mines was intended to prevent work having to be conducted at the GKM. However, in order to control the mine water discharge leading to the Animas River, work on the GKM was necessary. Acid generating rock located within the GKM was causing water being discharged to have a pH level of 3.

In 2014, the GKM site was visited and some work performed on the exposed blockage, but more time was needed to conduct work on the mine because of weather concerns. Work on the mine sites can only be conducted in certain seasons/weather. The intent of the work to be conducted at the GKM was to insert a “stinger” or wellpoint above the blockage covering the adit to help release the water. The water would then be routed to the water treatment facilities at the Red and Bonita mines (b) (6), (b) (7)(C)

[REDACTED] described the GKM as having a few sets of support (collapsed or partially collapsed) in the first 100 feet of the mine adit. After that, the rest of the mine was stable. Compared to the Red and Bonita mines, the GKM had poorer ground conditions.

Mine water releases are covered by EPA’s National Contingency Plan (NCP). Contingencies that (b) (6), (b) (7) could manage such as injuries, small leaks, and spills are incorporated into (b) (6), (b) (7) plan. Any contingencies (b) (6), (b) (7) could not manage are covered by the NCP. The plan for GKM was approved by (b) (6), (b) (7)(C) with input from the contractor, Environmental Restoration (ER) (b) (6), (b) (7)(C) DRMS; and (b) (6), (b) (7)(C). The GKM health and safety plan for the site is reviewed by the OSC, but developed by the contractor working at the site.

Work began for the GKM on July 14, 2015 by first expanding the water treatment ponds at the Red and Bonita mines. On July 22 or 23, 2015 ER prepared a road to the GKM site and planned the details of the water conveyance system from the GKM to treatment ponds at the Red and Bonita mines. Pipe was installed to receive the flow from the GKM (b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b)

(b) (7)

Post Incident GKM Concerns:

(b) (6), (b) (7)(C)

Although all of the inner workings of the mines couldn't be seen, all the information analyzed suggested there was no connection between the mines (b) (6), (b) (7)(C) a connection would be very unlikely because the Red and Bonita mines were also at a lower elevation.

(b) (6), (b) (7)(C)

Response to the Incident:

(b) (6), (b) (7)(C)

(b)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Agent's Notes:

Interviewee Contact Information:

(b) (6), (b) (7)
(C)

Office: (b) (6), (b) (7)
Mobile: (b) (6), (b) (7)
(C)

(b) (6), (b) (7)(C)

Nothing further.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

MEMORANDUM OF INTERVIEW

Interview Date:	August 26, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	OIG Conference Room conference phone 1595 Wynkoop Street, 4 th Floor Denver, CO 80202
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	Union Representative (b) (6), (b) (7)(C)

On August 26, 2015, (b) (6), (b) (7)(C) of the EPA Office of Inspector General, interviewed – via conference call (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) The purpose of the interview was to determine (b) (6), (b) (7)(C) knowledge surrounding the history of, the release from and the response to the Gold King Mine located in Silverton, Colorado. Also attending via conference call during the interview was (b) (6), (b) (7)(C) local union representative. After proper identification was provided, the purpose of the interview explained and the fact that the interview was voluntary and could be terminated at any time was explained, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

When questioned about what the EPA's legal obligations are surrounding reporting a release like that at the GKM, (b) (6), (b) (7)(C) stated the requirements would be outlined under "CERCLA". Each particular hazardous substance has a quantity that, if spilled, would need to be reported. In the case of the mine water release at the GKM, there is no reportable quantity. The state of Colorado, however, does have particular guidance such that particular substances spilled anywhere in the state need to be reported "as soon as practical; especially with oil." (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Nothing further.

Attachments:

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

MEMORANDUM OF INTERVIEW

Interview Date:	SEPTEMBER 14, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	Reginald Cheatham, SES, Director, EPA Office of Emergency Management
Interview Location:	William Jefferson Clinton North Federal Building, Washington D.C.
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

Background:

On September 14, 2015, (b) (6), (b) (7)(C) U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), interviewed Reginald Cheatham, SES, Director, EPA Office of Emergency Management (OEM). The purpose of this interview was to obtain information about OEM's response to the release of mine waste water from the Gold King Mine (GKM) near Silverton, Colorado. After the Reporting Agent identified (b) (6), (b) (7)(C) as a Special Agent with EPA's OIG, Cheatham provided the following information.

Cheatham was serving as OEM's acting director on the date of the Gold King Mine incident and 2-3 days after the incident was made permanent director. Cheatham's duties as the director of OEM include helping to organize EPA's approach with the EPA regions during emergencies, "navigating decision points", and ensure national consistency to an emergency response.

Cheatham first became aware of the GKM incident on August 6, 2015 because EPA's Aspect aircraft had been asked for as an asset. His initial action was to determine "what exactly was going on". At that time it was estimated that 1 million gallons of water was released from the GKM. Cheatham and OEM then worked with the EPA Regions in setting up response centers and emergency operations centers (EOCs) in the regions and also setting up an EOC at EPA HQ.

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In addition to establishing the EOCs and response centers, Cheatham provided briefings to the EPA Administrator, the EPA Regions, and internal briefings to OEM.

OEM also was responsible the release of water sampling data. The EPA Regions had done “pre-event” sampling of the water in the area affected by the GKM incident. Water sampling is still taking place to this day. Cheatham believes there was no unreasonable delay in releasing the water sampling data because the quality of data is what drives the decision to release the data. It also takes time to get oriented, validate the sampling data, and interpret the data so it can be understood by the public. Cheatham stressed the importance of ensuring the data is appropriately reviewed before being published.

Cheatham believes that the GKM incident was “under-realized” and that proper notifications were delayed up to 24 hours because of this. Cheatham does believes that EPA’s response was adequate. Cheatham was unfamiliar with any specific health and safety plan for the GKM, but the On Scene Coordinator (OSC) would have an investigative plan as well as a health and safety plan. The OSC is also responsible for any emergency notifications.

Agent’s Notes:

During the interview, (b) (6), (b) (7)(C) that the organizational chart for the EPA EOCs and response centers was provided to EPA OIG Operations Support Division (b) (6), (b) (7)(C) .



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MEMORANDUM OF INTERVIEW

Interview Date:	August 22, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Telephonic
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 22, 2015, (b) (6), (b) (7)(C) Office of Inspector General (OIG), Environmental Protection Agency (EPA) interviewed (b) (6), (b) (7)(C) EPA, 1595 Wynkoop Street, Denver, CO (b) (6), (b) (7)(C). The purpose of this interview was to obtain background information concerning EPA's response to the release of water from the Gold King Mine (GKM), Silverton, CO which occurred on August 5, 2015. (b) (6), (b) (7)(C) sampling analysis subsequent to the release. Present during the interview was (b) (6), (b) (7)(C), EPA, serving as (b) (6), union representative. Prior to the interview (b) (6) was advised as to its voluntary nature and that (b) (6) could stop the interview at any time.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

samples were collected every six hours going into the next day, Thursday. (b) (6), (b) (7)(C)
The first batch of samples were sent Thursday to a laboratory in

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Golden, CO for analysis. The second batch of samples were sent out Thursday night (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED]

(b) (6), (b) (7)(C)

[REDACTED]

Attachment(s)

None



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

MEMORANDUM OF INTERVIEW

Interview Date:	August 19, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C), Durango, CO
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C) EPA (b) (6), (b) (7)(C) EPA (b) (6), (b) (7)(C) EPA

On August 19, 2015, (b) (6), (b) (7)(C) Office of Inspector General (OIG), Environmental Protection Agency (EPA), interviewed (b) (6), (b) (7)(C) EPA, 1595 Wynkoop Street, Denver, CO (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Present during the interview were (b) (6), (b) (7)(C) EPA, serving as (b) (6), (b) (7)(C) union representative, and (b) (6), (b) (7)(C) Office of Program Evaluations, OIG, EPA. The purpose of this interview was to obtain background information concerning the Gold King Mine (GKM) water release incident occurring on August 5, 2015. Prior to the interview (b) (6), (b) (7)(C) was advised as to its voluntary nature and that (b) (6), (b) (7)(C) could stop the interview at any time.



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



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(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



Attachment(s)

None



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

MEMORANDUM OF INTERVIEW

Interview Date:	August 20, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Telephonic
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C) EPA (b) (6), (b) (7)(C) EPA

On August 20, 2015, (b) (6), (b) (7)(C) Office of Inspector General (OIG), Environmental Protection Agency (EPA) interviewed (b) (6), (b) (7)(C) EPA, 1595 Wynkoop Street, Denver, CO (b) (6), (b) (7)(C). The purpose of this interview was to obtain information concerning complaints of delays in the release of analysis data to the general public, and to state and tribal stakeholders, as it pertained to the release of water from the Gold King Mine (GKM) located in Silverton, (b) (6), (b) (7)(C). Prior to the interview (b) (6), (b) (7)(C) was advised of the voluntary nature of the interview and that (b) (6), (b) (7)(C) could stop the interview at any time. Also present were (b) (6), (b) (7)(C), EPA, Denver, CO serving as (b) (6), (b) (7)(C) union representative, and (b) (6), (b) (7)(C) Office of Program Evaluations, OIG, EPA, Seattle, WA.

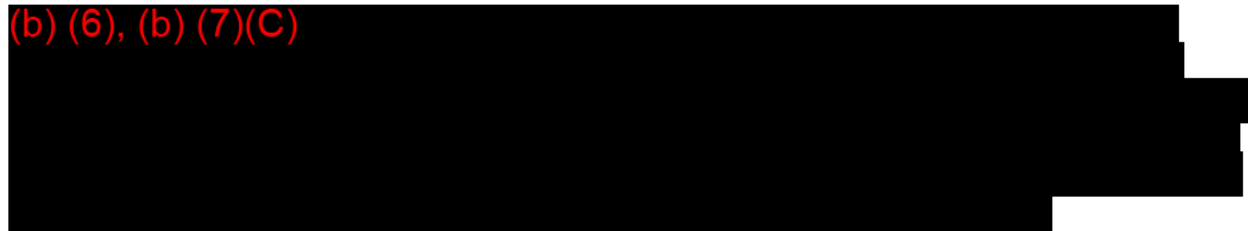
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

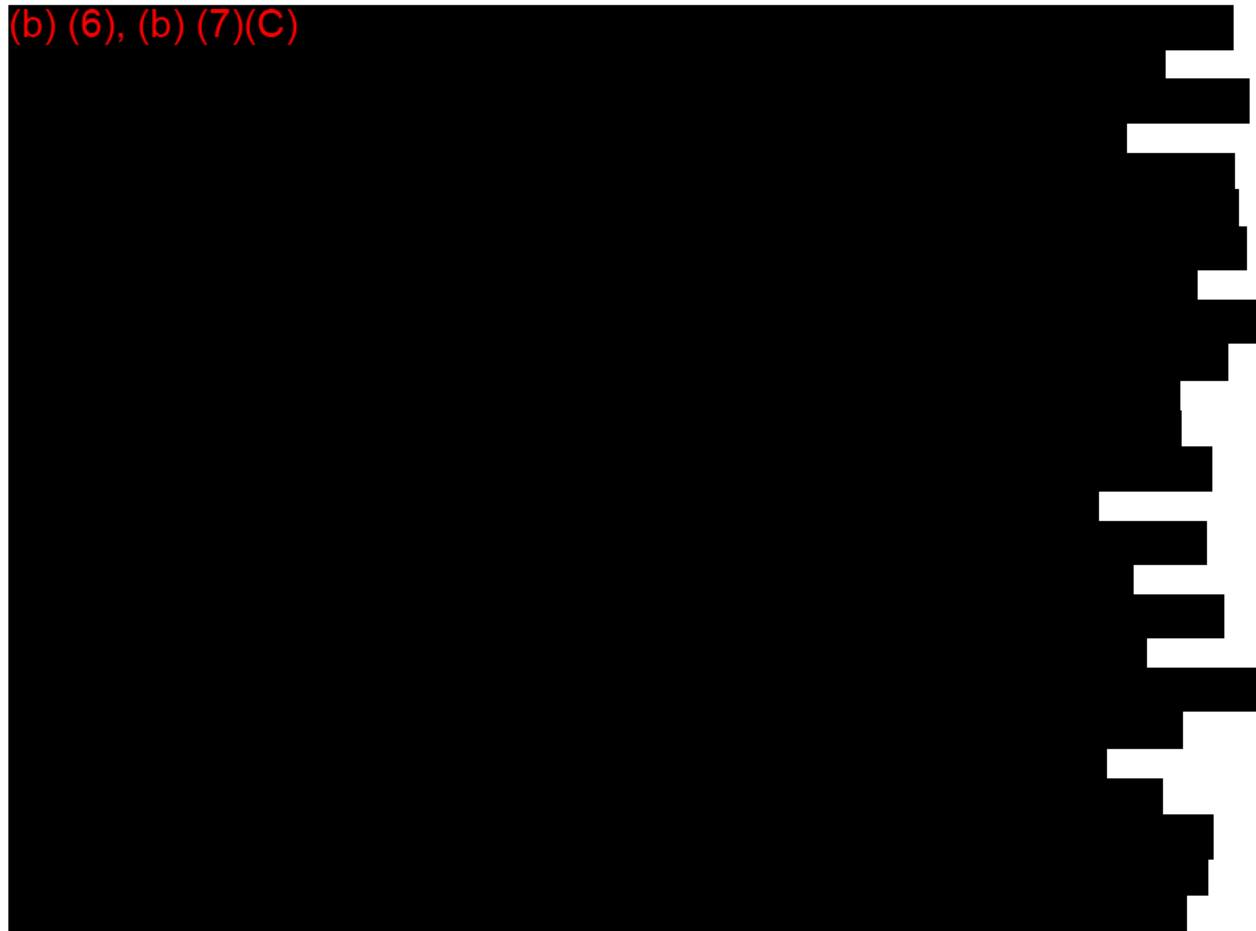
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(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)




(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)




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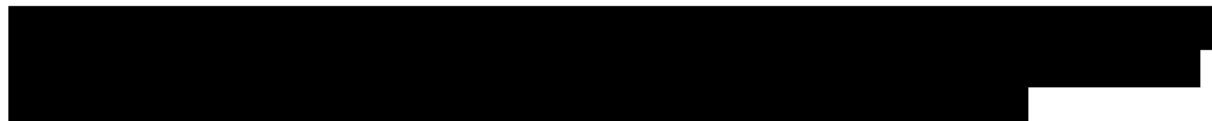
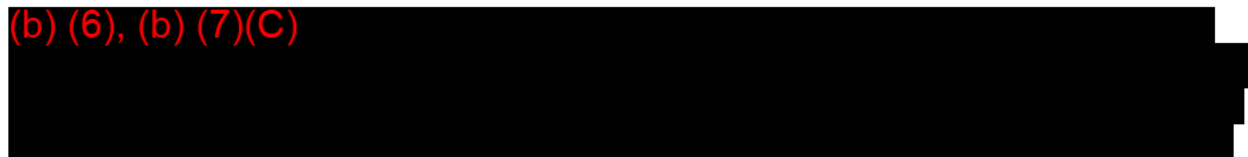
Page 2

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(b) (6), (b) (7)(C) did not believe that anyone did anything purposely to create this problem but rather
(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



Attachment(s)

None

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Page 4

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

MEMORANDUM OF INTERVIEW

Interview Date:	September 4, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	N/A

On August 26, 2015, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) all of the EPA Office of Inspector General, interviewed (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) The purpose of the interview was to determine (b) (6), (b) (7)(C) knowledge surrounding the history of, the release from and the response to the Gold King Mine (GKM) located in Silverton, Colorado. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) attended the interview via conference call. After proper identification was provided and the purpose of the interview explained, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was contacted by the EPA and Environmental Restoration, LLC (ER), to develop ground support guidelines for temporary access to the Upper GKM (b) (6), (b) (7)(C) understanding that the EPA and ER planned to locate groundwater inflow areas; locate cross cuts, stopes and other connections to existing mine workings; map the geology; and map joints as part of a future bulkhead feasibility study in the Red & Bonita Adit located 500 feet lower on the same vein structure.

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

In a report, (b) (6), (b) (7)(C), background information regarding the GKM was detailed. Further, the geology of the GKM was documented; ground support was detailed; and recommendations made. The recommendations were that the portal area could be supported with the existing arch sets at two foot on center to a maximum backfill height of eight feet above the crown; and inside the adit, steel sets could be used at two or four foot on center, depending on the ground conditions. A specific note to the report was that the scope of work was limited to a general geotechnical literature review and preparation of a typical support figure and temporary support guidelines. No on-site visit was conducted. (Attachment 1)

(b) (6), (b) (7)(C)

Nothing further.

Attachments:

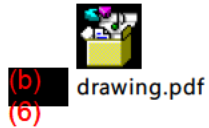
1. (b) (6), (b) (7)(C) report to ER, dated August 8, 2014.



2. (b) (6), (b) (7)(C) s proposal to ER, dated August 22, 2015.



3. Whiteboard drawing rendered by (b) (6), (b) (7) not dated.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

MEMORANDUM OF INTERVIEW

Interview Date:	August 27, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	EPA OIG Conference Room 1595 Wynkoop Street, 4 th Floor Denver, CO 80202
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 27, 2015, (b) (6), (b) (7)(C) all of the EPA Office of Inspector General, interviewed (b) (6), (b) (7)(C) United States Environmental Protection Agency (EPA), 1595 Wynkoop Street, Denver, CO 80202. (b) (6), (b) (7)(C) The purpose of the interview was to determine (b) (6), knowledge surrounding the history of, the release from and the response to the Gold King Mine (GKM) located in Silverton, Colorado. (b) (6), (b) (7)(C) attended the interview via conference call. Also present during the interview was (b) (6), (b) (7)(C), Union Representative, Region 8, EPA, 1595 Wynkoop Street, Denver, Colorado. After proper identification was provided and the purpose of the interview explained, (b) (6), (b) (7) provided the following information:

(b) (6), (b) (7)(C)

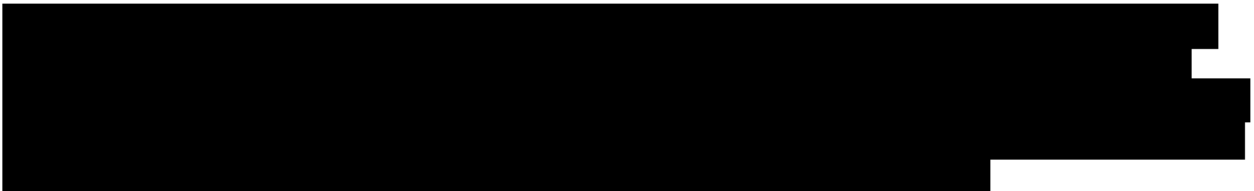
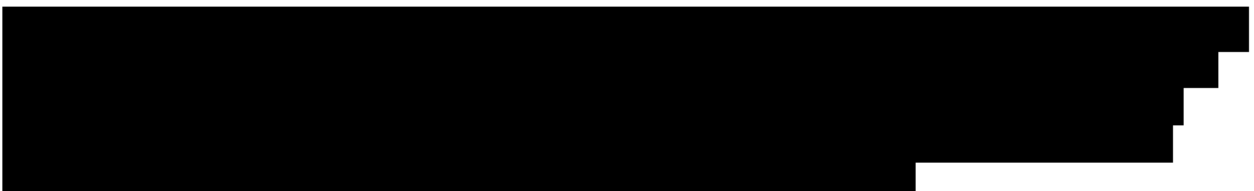
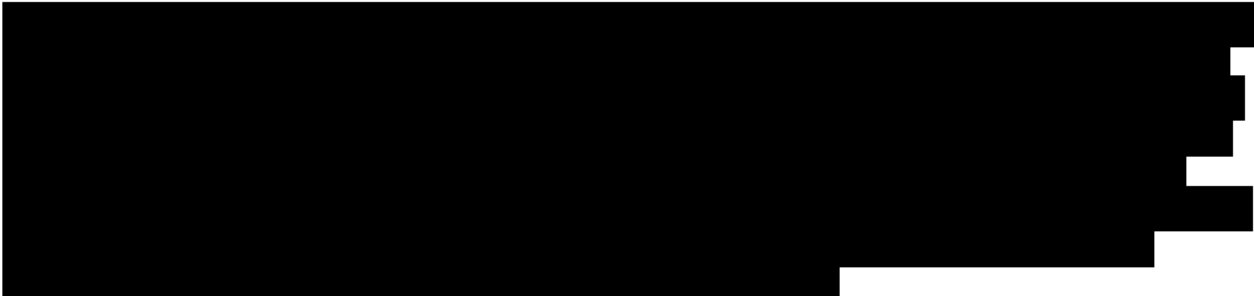

Prior to August 5, 2015, (b) (6), had never heard of the GKM. (b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C) in Durango there were START contractors on site, along
(b) (6), (b) (7)(C)



Nothing further.

Attachments:

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

MEMORANDUM OF INTERVIEW

Interview Date:	August 31, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	EPA OIG Conference Room 1595 Wynkoop Street, 4 th Floor Denver, CO 80202
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	N/A

On August 31, 2015, (b) (6), (b) (7)(C) all of the EPA Office of Inspector General, interviewed (b) (6), (b) (7)(C)

The purpose of the interview was to determine (b) (6), (b) (7)(C) knowledge surrounding the history of, the release from and the response to the Gold King Mine (GKM) located in Silverton, Colorado. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) attended the interview via conference call. After proper identification was provided and the purpose of the interview explained, (b) (6), (b) (7)(C) provided the following information:

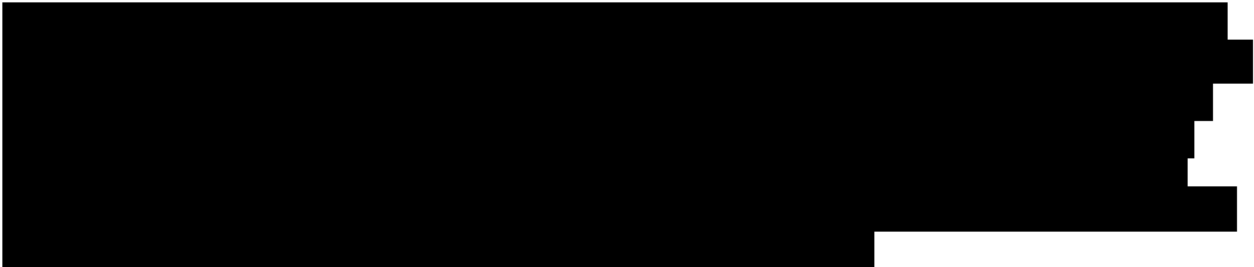
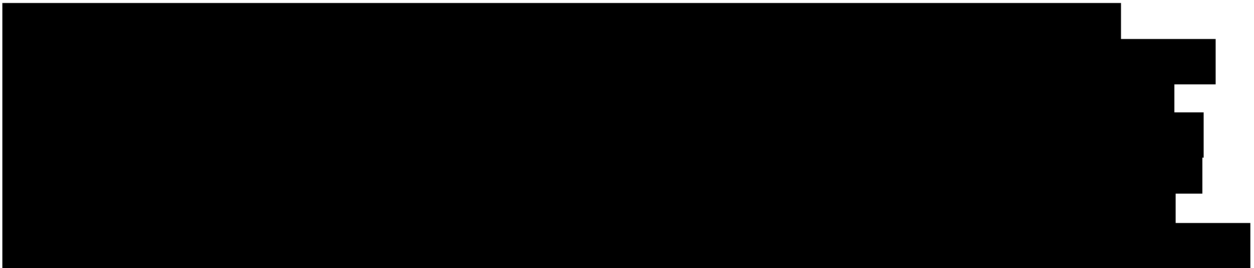
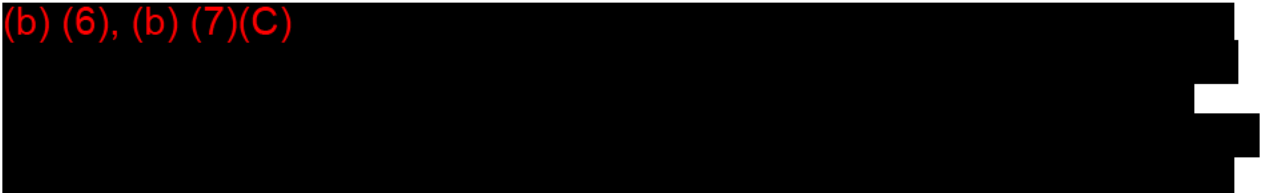
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)




(b) (7)(C)



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(b) (6), (b) (7)(C)



Nothing further.

Attachments:

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

MEMORANDUM OF INTERVIEW

Interview Date:	August 27, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	EPA OIG Conference Room 1595 Wynkoop Street, 4 th Floor Denver, CO 80202
Interviewed By:	(b) (6), (b) (7)(C) (b) (7)
Witnesses:	(b) (6), (b) (7)(C)

On August 27, 2015, (b) (6), (b) (7)(C) all of the EPA Office of Inspector General, interviewed (b) (6), (b) (7)(C) United States Environmental Protection Agency (EPA), (b) (6), (b) (7)(C) The purpose of the interview was to determine (b) (6), (b) (7)(C) knowledge surrounding the history of, the release from and the response to the Gold King Mine (GKM) located in Silverton, Colorado. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) attended the interview via conference call. Also present during the interview (b) (6), (b) (7)(C), Union Representative, Region 8, EPA, 1595 Wynkoop Street, Denver, Colorado. After proper identification was provided and the purpose of the interview explained, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

RESTRICTED INFORMATION

(b) (6), (b) (7)(C)

The current START contract was issued in April 2013. The contract covers EPA programs such as removal, Brownfields, site assessment, oil inspections, outreach support, etc. A broad task order is issued for each of the aforementioned programs. Any OSC conducting work for the removal program, for instance, can request to issue a Technical Direction Document (TDD) to the START contractor (Weston Solutions, Inc.) (b) (6), (b) (7)(C)

(b) (7)(C)

(b) (6), (b) (7)(C)

The first TDD was issued to the START contractor in 2014. (b) (6), (b) (7)(C)

All of the OSCs are Contracting Officer Representatives and are, therefore, allowed to give the contractor direction.

(b) (6), (b) (7)(C)

(b) (7)(C)

(b) (6) (b) (7)(C)

The START contract is a seven-year contract due to the need for “rapid responses” and “rapid assessments.” It is during the competitive bid process for the awarding of the START contract that qualifications are reviewed by the Technical Evaluation Panel.

(b) (6), (b) (7)(C)

(b) (6)

Nothing further.

Attachments:

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

MEMORANDUM OF INTERVIEW

Interview Date:	September 3, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C) 1595 Wynkoop Street, 9 th Floor Denver, CO 80202
Interviewed By:	(b) (6), (b) (7)(C) (b) (7)
Witnesses:	N/A

On September 3, 2015, (b) (6), (b) (7)(C), all of the EPA Office of Inspector General, interviewed (b) (6), (b) (7)(C) United States Environmental Protection Agency (EPA), (b) (6), (b) (7)(C). The purpose of the interview was to determine (b) (6), (b) (7) knowledge surrounding the history of, the release from and the response to the Gold King Mine (GKM) located in Silverton, Colorado. (b) (6), (b) (7) and (b) (6), (b) (7) attended the interview via conference call. After proper identification was provided and the purpose of the interview explained, (b) (6) provided the following information:

(b) (6), (b) (7)(C)
(b) (7)




(b) had no historical knowledge of the GKM. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)



On August 7, 2015, the RA had approximately 250 people show up for the public meeting. The media who showed up during the public meeting were informed there would be a media question and answer session at a separate location after the conclusion of the public meeting. After the meetings, the RA flew back to Denver, Colorado.

(b) (6), (b) (7)(C)



Nothing further.

Attachments:

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

MEMORANDUM OF INTERVIEW

Interview Date:	September 3, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C) 1595 Wynkoop Street, 9 th Floor Denver, CO 80202
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	N/A

On September 3, 2015, (b) (6), (b) (7)(C) all of the EPA Office of Inspector General, interviewed (b) (6), (b) (7)(C) United States Environmental Protection Agency (EPA).

The purpose of the interview was to determine (b) (6), (b) (7)(C) knowledge surrounding the history of, the release from and the response to the Gold King Mine (GKM) located in Silverton, Colorado. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) attended the interview via conference call. After proper identification was provided and the purpose of the interview explained, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) had no historical knowledge of the GKM prior to the August 5, 2015, release. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

Along with the Incident Command in Durango being established, the Regional Emergency Operations Center was stood up in the Region 8 building. Due to the fact that the mine water release affected areas in Regions 6, 8 and 9, an Area Command (b) (6), (b) (7)(C) was established in order to facilitate coordinated efforts amongst the three Incident Commands.

(b) (6), (b) (7)(C)

Nothing further.

Attachments:

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 HAWTHORNE STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

MEMORANDUM OF INTERVIEW

Interview Date:	October 7, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	OIG Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	None

On October 7, 2015, (b) (6), (b) (7)(C) Office of Inspector General (OIG), Office of Investigations, interviewed (b) (6), (b) (7)(C) EPA (b) (6), (b) (7)(C) The purpose of the interview was to obtain information about the August 24, 2015 Gold King Mine (GKM) EPA Internal Report. After law enforcement credentials were shown and the purpose of the interview explained, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)


(b) (6), (b) (7)(C) the review team's task was to determine what happened at the site up until the release. They did not evaluate anything that happened after the release, i.e. were notifications made appropriately, etc. (b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)



(b)

(b)(6)



Attachment(s):
None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 HAWTHORNE STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

MEMORANDUM OF INTERVIEW

Interview Date:	October 2, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	OIG Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	None

On October 2, 2015, (b) (6), (b) (7)(C) Office of Inspector General (OIG), Office of Investigations, interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) EPA, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) The purpose of this interview was to obtain information about the August 24, 2015 Gold King Mine (GKM) EPA Internal Report. After law enforcement credentials were shown and the purpose of the interview explained, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (7)(C)
(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C) All team members were present for each interview. (b) (6), (b) (7)(C) stated when the team arrived in Durango they were given a packet that had the same background information about the GKM and the release. The packet also identified a list of potential interviewees and their contact info. (b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C) the documents they reviewed are listed in the report. A lot of the documents were included in the packet they were given in Durango. (b) (6), (b) (7)(C) the Project Summary document prepared by the DRMS was crucial in preparing the report's chronology.

(b) (6), (b) (7)(C) they had a very short time period to write the report. The team arrived in Durango on August 18, 2015 and the report had to be issued on August 24, 2015.

(b) (6), (b) (7)(C)


[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (6), (b) (7)(C)



Attachment(s):

None.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202

MEMORANDUM OF INTERVIEW

Interview Date:	October 23, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	None

On October 23, 2015, (b) (6), (b) (7)(C), Office of Inspector General (OIG), Office of Investigations, interviewed (b) (6), (b) (7)(C), EPA (b) (6), (b) (7)(C). The purpose of this interview was to obtain information about the August 24, 2015 Gold King Mine (GKM) EPA Internal Report. Upon being provided the nature of the interview and proper identification, (b) (6) essentially related to following information willingly:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) the chronology of events up to the “blowout” of the Gold King Mine. (b) (6), (b) (7)(C) this was an independent, but internal review to look at the chronology of the site regarding what work was conducted and what planning was done by Region 8 personnel before the blowout.

(b) (6), (b) (7)(C) mobilized to Durango, Colorado, to conduct background research and to interview (b) (6), (b) (7)(C). On August 18, 2015, the team traveled to the incident site with (b) (6), (b) (7)(C) Region 8, to conduct an onsite assessment. (b) (6) added they had one week to get the Summary Report completed. (b) (6) provided a copy of the Summary Report “Attachment 1,” which was provided to the team before, during and after the visit.

(b) (6), (b) (7)(C)

(b) (6) and all team members agreed with the final published Summary Report. (b) (6) added the final Summary Report did not undergo any type of quality assurance/quality control review process. The Summary Report (b) (6), (b) (7)(C) effort, which they (electronically) delivered to (b) (6), (b) (7)(C) Office of Solid Waste and Emergency Response.

(b) (6), (b) (7)(C)

Attachment:

1. Summary Report of the Gold King Mine Internal Review (Summary Report)



FullSummaryReport
.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

MEMORANDUM OF INTERVIEW

Interview Date:	October 9, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C) EPA
Interview Location:	(b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	None

On October 9, 2015, (b) (6), (b) (7)(C) this office, interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). The purpose of this interview was to obtain background information concerning an EPA summary report named, "EPA Internal Review of the August 5, 2015 Gold King Mine (GKM) Blowout," dated August 24, 2015. A complaint was received from the Colorado Department of Natural Resources (DNR) stating that the EPA report was inaccurate and that contrary to the report the Colorado Division of Reclamation and Mining Safety (DRMS) did not manage, assess, or approve any work at the GKM. (b) (6), (b) (7)(C) Prior to the interview the interviewing agents identified themselves as with the EPA's Office of Inspector General.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

the group was only concerned with the "pre-blowout" time period of the GKM and not involved with anything "post-blowout." (b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

team was only given one week to complete their report.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) that no one person was the approver of the internal report and that all the team members were involved with its drafting. (b) (6), (b) (7)(C)

all the team members were involved with the report's (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) allowed the interviewing agents to make a copy of (b) (6) notes from the GKM summary report (Attached).

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Page 2

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Attachment(s)

1. Copy of (b) (6), Notes Concerning the Gold King Mine Summary Report

Attachment(s)

1. Copy of (b) (6), (b) (7)(C) the Gold King Mine Summary Report



(b) (6), (b) (7)(C) pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

1200 SIXTH AVENUE, SUITE 1920
SEATTLE, WA 98101

MEMORANDUM OF INTERVIEW

Interview Date:	October 1, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Telephonic
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	N/A

On October 1, 2015, (b) (6), (b) (7)(C), (b) (6), (b) (7), Office of Inspector General, U.S. Environmental Protection Agency, Seattle, Washington, conducted a telephone interview of EPA employee (b) (6), (b) (7)(C). The purpose of this interview was to obtain additional information regarding the August 24, 2015, *Summary Report: EPA Internal Review of the August 5, 2015 Gold King Mine Blowout*. After law enforcement identities were provided and the purpose of the interview was explained, (b) (6), (b) (7) agreed to the interview and provided the following information:

(b) (6), (b) (7)(C)
(b) (7)

(b) (6), (b) (7)(C) understood the review team to be a "multi-disciplinary team" of engineers and geologists. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) the charge of the internal review team was to generate a report documenting the internal review teams' understanding of all the events surrounding the blowout at the Gold King Mine (GKM). (b) (6), (b) (7) emphasized the extremely short turn-around time requirement for this report. Once the Summary Report was completed and reviewed by the team members, (b) (6), (b) (7) understood the report was briefly reviewed by EPA employee (b) (6), (b) (7)(C) and ultimately provided to (b) (6), (b) (7)(C) Office of

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Solid Waste and Emergency (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Responses to Colorado Department of Natural Resources Letter

1) *EPA Internal Review Team Report, page 6: "For the Adit, a determination of no or low mine water pressurization was made by experienced professionals from EPA and the DRMS."*

DNR Response: DRMS did not make any determination of mine water pressure at the Gold King mine.

(b) (6), (b) (7)(C)

2) *EPA Internal Review Team Report, page 6: "The DRMS experts (b) (6), (b) (7)(C), who supported the removal investigation,..."*

DNR Response: DRMS staff did not support the removal investigation at the Gold King. DRMS's role in the area was to support work at Red and Bonita and monitor any effects work at the Red and Bonita might have on mines in the vicinity.

(b) (6), (b) (7)(C)

3) *EPA Internal Review Team Report, page 6: "The Animas River Stakeholders Group had been given a presentation by (b) (6), (b) (7)(C) with DRMS, as documented in the May ASRG meeting summary."*

DNR Response: (b) (6), (b) (7)(C) meeting of the Animas River Stakeholders Group was on the Red and Bonita bulkhead design only.

(b) (6), (b) (7)(C)

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Page 2

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(b) (6), (b) (7)(C)

4) *EPA Internal Review Team Report, page 6: "The DRMS experts supported the removal investigation at the Adit and were present at the site during the operations on August 4 and 5."*

DNR Response: DRMS was acting as a consultant on the Red and Bonita mine only and was not involved with directing work at the Gold King. DRMS personnel were observers only with respect to the August 5 events and were not present at the time of the release.

(b) (6), (b) (7)(C)

Attachments:

1. ASRG May 27, 2015, Meeting Summary provided by (b) (6), (b) (7) on October 1, 2015.



ASRG May 27 2015
meeting summary.pdf

2. Documents provided by (b) (6), (b) (7) on October 1, 2015.



ASRG Jan 27 2015
meeting summary.pdf



Attachment G - Photo
Log from 2014 and 2015



EPA MNT Gold King
Internal Review Attachment



EPA NMT Gold King
Internal Review Report BF2008_Permanent Po



Gold King
Internal Review Report BF2008_Permanent Po



Gold King Mine
Memorandum



GoldKing
BF2009_Closeout.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	December 16, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Telephonic interview originating from EPA, Office of Inspector General, Office of Investigations, located at 2733 South Crystal Drive, Arlington, VA.
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	Special Agent (b)(6), (b)(7)(C)

On December 16, 2015, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), (b) (7)(C) interviewed the EPA's internal review team which previously had been charged with assessing and then reporting on the events and potential factors that may have contributed to the August 5, 2015 blowout at the Gold King Mine located near Silverton, CO. The internal review team members were comprised of the following EPA employees and with one exception all others dialed into the interview from their respective offices: (b) (6), (b) (7)(C)

With the exception of (b) (6), (b) (7)(C) all other participants dialed into the OI conference room using dial in number (b) (6), (b) (7)(C). Joining the Reporting Agent for this interview was OIG, OI employee (b) (6), (b) (7)(C)

Finally, joining the Reporting Agent from remote locations, (b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C) Both (b)(6), (b)(7)(C) were assigned to the OIG's Land Cleanup and Waste Management Directorate, Office of Program Evaluation. The purpose for this interview, which had been explained to all participants, was to follow up from a previous interview conducted by OI and ascertain what other, if any, aspects of a Colorado Department of Natural Resources (DNR) letter, dated September 2, 2015, were potentially inconsistent with details previously documented by the EPA internal review team in its August 24, 2015 final report. Prior to the start of the interview both (b) (6), (b) (7)(C) had produced law enforcement credentials for (b) (6), (b) (7)(C) to inspect and (b) (6), (b) (7)(C) orally acknowledged for the participating interviewees the Reporting Agent's authority. All participants had then agreed to cooperate with the interview.

The Reporting Agent started the interview by informing the group that a recent review of their previous OI conducted individual interview reports resulted in some additional follow up questions specific to the DNR letter. Further, it appeared to the Reporting Agent that the most comprehensive answer to some of the follow up questions in the current interview might come from the group being interviewed at the same time such that together the Reporting Agent might be able to string together any additional details from their own firsthand, fact-based account and responses regarding what had transpired during the internal review team's collective assessment and their subsequent August 24, 2015 report, which DNR and the Colorado Department of Reclamation, Mining and Safety (DRMS) had seemed to take some umbrage with as documented in the DNR September 2, 2015 letter.

Firsthand accounts in the EPA's August 24, 2015 internal review team report

The first issue the Reporting Agent wanted to address dealt with the content of the EPA internal review team's August 24, 2015 report; specifically, what firsthand knowledge each team member had about the entire content of the August 24, 2015 report. Each team member responded individually that they possessed firsthand knowledge of the report details. The Reporting Agent refined the question and asked each team member if they were present and did they hear every detail discussed in all the interviews conducted by the EPA's internal review team? Moreover, did each team member contribute to every aspect of the documentation appearing in the August 24, 2015 report?

Once the refined questions were posed, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) team members agreed that individually, while each team member contributed to one or more aspects of the final report, as individuals they did not have firsthand knowledge regarding every aspect of the details contained in the August 24, 2015 internal review team's report. In particular, while they may have been present, the team members interviewed stated they had not heard every detail discussed with various individuals during their August 2015 on-site review and which was later documented in the same August 24, 2015 report. The group stated that during their August 2015 onsite review activity near Silverton, CO, they did not – as a group – actively participate in all of the team's exchanges with various personnel on the "mountainside."

(b) (6), (b) (7)(C) team members stated that they had worked together during the report's development and that collectively they all had both arrived at and agreed on what became the report's final product, which was the August 24, 2015 report. Further, while each

team member contributed directly or indirectly to one or more aspects of the August 24, 2015 report. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) team members confirmed that they each had an opportunity to review and that each had later agreed on the content of the final product. (b) (6), (b) (7)(C)

The Reporting Agent then addressed each of the six (6) elements in the DNR letter which seemed to object to EPA's August 24, 2015 internal review team report. The following is a summary of the internal review team's responses:

DRMS played no role in determining no or low mine water pressure at the GKM location where on August 5, 2015 a blowout had occurred.

Despite what had been reported in the EPA's internal review team report, the internal review team conceded during this interview that DRMS had not participated in any preliminary effort to ascertain mine water pressure at GKM. The group also confirmed that no such effort had ever been executed by the EPA. The group confirmed that prior to the blowout the EPA had considered performing such an analysis; both vertically from atop the mine and horizontally from locations alongside the mine via drilling, but that safety, costs/funding and ever changing conditions/timing at the site precluded any additional pursuit of such efforts.

The internal review team pointed out that nowhere during their review did it ever appear that DRMS officials had made either preliminary or after-the-fact objections of any kind whatsoever to what they witnessed during the August 4, 2015 excavation and subsequent planned activities that were later observed by DRMS on August 5, 2015.

DRMS experts did not support the removal investigation at the GKM.

The internal review team pointed out that among all the records they reviewed there was no evidence for them to have relied upon in preparing the August 24, 2015 internal review report and that would have contradicted DRMS' actual support of EPA activities at GKM. Further, the internal review team pointed out that the removal activities at GKM were well known to DRMS officials who ultimately expected the removal of the blockage would occur well after an anticipated controlled release of contaminated mine water.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

DRMS contributions in a May 2015 Animas River Stakeholder Group presentation were exclusive to the Red and Bonita Mine.

The internal review team agreed that there were no factual misrepresentation in the EPA's internal review team August 24, 2015 report. The internal review team pointed out, however, that both the Red & Bonita Mine and the GKM are interconnected and that DRMS was present with and participated jointly in the EPA's May 2015 presentation to the Animas River Stakeholder Group. The internal review team also pointed out that there were no available notes or records leading up to or after the May 2015 joint presentation that would have illuminated any objection DRMS officials had with EPA proposed activities at GKM.

The Reporting Agent determined that for this element and in the absence of any DRMS detail in their complaint, parsing out what the EPA said about GKM and what DRMS said about Red & Bonita Mine during their joint May 2015 presentation would fail to illuminate, for the purposes of this investigation, any objection DRMS might ever have had related to EPA's proposed removal activities at GKM. That DRMS did not during or after the May 2015 presentation, orally or in writing, submit or produce any objections to EPA's proposed activities at GKM only reinforces the collaborative professional relationship between DRMS and the EPA for activities the EPA was planning to engage in at GKM.

DRMS was a consultant at Red & Bonita Mine only and was not involved with directing work at GKM. DRMS were observers only with respect to August 5, 2015 events and were not present at the time of the release.

The internal review team confirmed that DRMS did not direct work at GKM. The internal review team said that no such representation that DRMS had ever directed work at GKM had been documented in the August 24, 2015 report (b) (6), (b) (7)(C)

Regarding remarks made by DNR that their officials were only *consultants* and *observers*, as it related to activities at and nearby the GKM site during the August 4/5, 2015 timeframe, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) The internal review team agreed that any suggestion DRMS personnel were oblivious to proposed and later executed EPA activities at GKM was simply inaccurate.

DRMS information was provided to the EPA as general advice only and not for the purpose of managing, directing or authorizing any activity at GKM.

The internal review team confirmed there had been no representation in the August 24, 2015 report that DRMS personnel ever did or ever had been authorized to manage, direct or authorize any activity at the GKM. However, due to the collaborative nature of the relationship between EPA and DRMS personnel, the DRMS recommendation of *decanting* as an investigative technique was considered by the EPA. Moreover, neither the EPA nor DRMS personnel had any foreknowledge regarding the actual amount of water or overpressure that existed at the GKM on either August 4 or 5, 2015 prior to the blowout.

DRMS neither offered an opinion about nor investigated the amount of water impounded at the GKM or the water pressure that might be present, nor was DRMS authorized to direct or manage any of the GKM work.

The internal review team restated that DRMS had no authority to direct or manage work conducted by the EPA at the GKM and that the August 24, 2015 report made no such assertion. The internal review team acknowledged that the EPA never authorized any active drilling at the GKM site to assess either water volume or pressure and that to EPA's knowledge DRMS never did so independently. Further, the internal review team stated that the (b) (6), (b) (7)(C) had informed the internal review team during their August interviews that (b) (6), (b) (7)(C) "approached the [GKM] adit as if it had water in it, like we always knew it did."

Regarding the absence of any DRMS opinion about water and water pressure at the GKM site, however, the internal review team pointed back to the eight (8) documented elements in their August 24, 2015 report. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

The internal review team went on to offer that DRMS personnel were available during the internal review team on-site inquiry subsequent to the blowout at GKM and (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Furthermore, during the same on-site inquiry, a three-dimensional presentation using a laptop computer was conducted by other DRMS personnel that included the GKM.

40 CFR 300.5

(b) (6), (b) (7)(C) review of 40 CFR 300.5 wherein it states that:

- *Support agency* means the agency or agencies that provide the support agency coordinator to furnish necessary data to the lead agency, review response data and documents, and provide other assistance as requested by the OSC or RPM. EPA, the USCG, another federal agency, or a state may be support agencies for a response action if operating pursuant to a contract executed under section 104(d)(1) of CERCLA or designated pursuant to a Superfund Memorandum of Agreement entered into pursuant to subpart F of the NCP or other agreement. The support agency may also concur on decision documents.

(b) (6), (b) (7)(C), (b) (5)

The Reporting Agent reviewed the Red & Bonita Mine application for a grant and as stated in the application at page 13 of 25, dated February 5, 2015 and later adopted into the Red & Bonita Cooperative Agreement (Grant #96819601), dated March 11, 2015:

- *Upper Animas Watershed Mines • Red and Bonita Mine - Technical Support Colorado Department of Natural Resources/Division of Reclamation, Mining & Safety Work Plan for Red and Bonita Mine near the Town of Silverton, San Juan County, Colorado*

The Colorado Division of Reclamation, Mining, and Safety (DRMS) has been tasked by EPA to provide technical engineering support for a water impounding concrete bulkhead to be installed in the Red and Bonita Mine during 2015. Additional work may include DRMS assistance with monitoring and assessing impacts caused by the Red and Bonita bulkhead on the hydrology of the Cement Creek and Upper Animas drainages, particularly related to discharges from vicinity mines.

The internal review team agreed that the rather voluminous set of historical records, reports, graphs, diagrams and sketches related to GKM and shared between the EPA and DRMS suggested DRMS personnel were both aware of and were at least solicited by EPA for an opinion about EPA activities at GKM.

After all interviewees were given the opportunity to contribute any additional information and all said they had nothing more to offer, the Reporting Agent terminated the interview.

Attachments:

1. EPA Internal Review Team Report, dated August 24, 2015.



Internal Review
Team Report, dated

2. Colorado Department of Natural Resources letter, dated September 2, 2015.



DNR letter, dated
September 2, 2015.p

3. Colorado Department of Natural Resources Application for grant, dated February 5, 2015.



DNR Application,
dated February 5, 2015



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	January 12, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On January 12, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), (b) (7)(C) interviewed Colorado Department of Natural Resources (DNR) and Colorado Division of Reclamation, Mining and Safety (DRMS) employees at their DNR offices located in Denver, CO. This interview was conducted in a group format in order to gather the most comprehensive response to investigative interview questions and (b) (6), (b) (7)(C) the following employees were interviewed together in their DNR office conference room located (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Joining the Reporting Agent for this interview was OIG, OI employee (b) (6), (b) (7)(C). Finally, joining the Reporting Agent and providing investigative assistance during this interview were (b) (6), (b) (7)(C)

Both (b) (6), (b) (7)(C) were assigned to the OIG's (b) (6), (b) (7)(C) Office of Program Evaluation (OPE). The purpose for this interview, which had been explained to all participants, was to afford DNR/DRMS officials an opportunity to address previously reported details mentioned in an EPA Internal Review Report, dated August 24, 2015 and photographs/figures captured in a Department of Interior, Bureau of Reclamation (BOR) report, dated October 13, 2015; specifically, how one or more of the EPA reported details of August 24, 2015 were criticized by DNR in their own letter, dated September 2, 2015 and how the DNR letter may have contained one or more potential misrepresentations. Prior to the start of the interview both the Reporting Agent and SA (b) (6), (b) (7)(C) had produced law

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enforcement credentials for all DNR and DRMS officials to inspect. All participating interviewees acknowledged their understanding for participating in the interview and Reporting Agent's authority to conduct the interview. All participants had then agreed to cooperate with the interview. The Reporting Agent reminded the group that they had previously been given an opportunity to have counsel present. In front of the group (b) (6), (b) (7)(C) had said a determination was made to proceed without counsel being present. The Reporting Agent extended the same opportunity again during this interview and both (b) (6), (b) (7)(C) stated counsel was not necessary. The Reporting Agent informed the group that the OIG investigation was purely administrative in nature; that their cooperation was entirely voluntary; and, that the Department of Justice had already declined prosecution in this matter.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) the Reporting Agent informed (b) (6), (b) (7)(C) letter may have contained one or more potential misrepresentations and that if as a result of this interview it were determined inaccuracies did exist in the DNR letter, the Reporting Agent wanted to offer (b) (6) the opportunity to resolve any inaccuracies or provide clarity where appropriate to statements made in the letter by submitting an addendum or other written document to be attached to the original DNR letter. (b) (6) stated that if errors or inaccuracies existed in the letter, (b) (6) absolutely wanted to set the record straight and welcomed the offer and opportunity to do so in some addendum or other document. The Reporting Agent said that while (b) (6) wanted to resolve any discrepancies that might exist in the DNR letter, (b) (6) had absolutely no intention of "blowing up" the great working relationship the EPA had with DNR to which (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C) the Reporting Agent informed both (b) (6), (b) (7)(C) that this interview would include some discussion about the content of the DNR letter and address any potential misrepresentations contained therein. The Reporting Agent informed (b) (6), (b) (7)(C) that if it were determined inaccuracies did exist in the letter that now was the opportunity to resolve or remedy those errors. (b) (6), (b) (7)(C) employees agreed to cooperate with this investigation. (b) (6), (b) (7)(C) had said that the EPA and BOR reports had contained errors and that they wanted get the record straight; an effort that as it related to the EPA report ultimately resulted in the DNR letter. (b) (7)(E)

(b) (6), (b) (7)(C) the Reporting Agent opened the interview by soliciting the group for any information or concerns they may have had about reports or statements that had

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been made concerning the Gold King Mine (GKM) incident and any purported DNR involvement or association with the EPA and the GKM blowout of August 5, 2015.

DNR stated that any exception it had taken with the EPA's August 24, 2015 Internal Review Team report had been sufficiently captured in its September 2, 2015 letter. DNR stated that they did not witness anything during their onsite presence of August 4, 2015 and any EPA excavation activities at the GKM on that same date that would have suggested to DNR there was an impending catastrophe, the likes of which ultimately did occur the following day on August 5, 2015. DNR, (b) (6), (b) (7)(C) stated that in their interpretation the BOR report, which was available at the following address: <https://www.usbr.gov/docs/goldkingminereport.pdf>, had been based largely on misunderstandings. DNR stated that one example was how BOR had reported how the EPA had intended on August 5, 2015 to continue opening the GKM. DNR stated any suggestion that the EPA had intended to remove the blockage and open the GKM on August 5, 2015 was simply "inaccurate."

DNR stated that their letter was nothing more than DNR's effort to add granularity to statements previously made by the EPA in their Internal Review Team report. The Reporting Agent took the time to inform DNR that the OIG was not investigating the BOR report or any statements or assertions contained therein.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) DNR said that the GKM blowout was going to happen anyway regardless of whether the EPA was present or not. (b) (6), (b) (7)(C) confirmed that while approximately 3 million gallons of contaminated water had been released in a single day on August 5, 2015 from the GKM, it was also accurate that prior to the August 5, 2015 release, approximately 3 million gallons of contaminated water was continuously being released from the GKM every ten (10) days.

40 CFR 300.5

(b) (6), (b) (7) wanted to be clear that DNR was not, technically speaking, providing support for activities the EPA was executing at GKM. The Reporting Agent asked (b) (6), (b) (7)(C) the group to consider the language in 40 CFR 300.5; specifically:

- *Support agency* means the agency or agencies that provide the support agency coordinator to furnish necessary data to the lead agency, review response data and documents, and provide other assistance as requested by the OSC or RPM. EPA, the USCG, another federal agency, or a state may be support agencies for a response action if operating pursuant to a contract executed under section 104(d)(1) of CERCLA or designated pursuant to a Superfund Memorandum of Agreement entered into pursuant to subpart F of the NCP or other agreement. The support agency may also concur on decision documents.

The Reporting Agent then asked the group to consider the language in the grant application DNR relied upon, dated February 5, 2015 and that was later incorporated into the subsequent Cooperative Agreement, March 11, 2015; specifically;

- *Upper Animas Watershed Mines • Red and Bonita Mine - Technical Support Colorado Department of Natural Resources/Division of Reclamation, Mining & Safety Work Plan for Red and Bonita Mine near the Town of Silverton, San Juan County, Colorado*
- *The Colorado Division of Reclamation, Mining, and Safety (DRMS) has been tasked by EPA to provide technical engineering support for a water impounding concrete bulkhead to be installed in the Red and Bonita Mine during 2015. Additional work may include DRMS assistance with monitoring and assessing impacts caused by the Red and Bonita bulkhead on the hydrology of the Cement Creek and Upper Animas drainages, particularly related to discharges from vicinity mines.*

(b) (6), (b) (7)(C)

The group agreed with the Reporting Agent that additional discussion on 40 CFR 300.5 was not productive at this time.

The Reporting Agent then advised the group that each of their six (6) points more fully described in their September 2, 2015 response letter to the Internal Review Team report, dated August 24, 2015 would now be addressed in an effort to determine what, if any, corrections might need to be made in some addendum document to the original letter:

DRMS played no role in determining no or low mine water pressure at the GKM location where on August 5, 2015 a blowout had occurred.

The Reporting Agent informed the group that the EPA's internal review team had conceded during their interview that DRMS had not participated in any preliminary effort to ascertain mine water pressure at GKM. The Reporting Agent informed the DNR group that no such effort had ever been executed by the EPA. The Reporting Agent informed the DNR group that prior to the blowout the EPA had considered performing such an analysis; both vertically from atop the mine as well as horizontally from locations alongside the mine, but that safety, costs/funding and ever changing conditions/timing at the site precluded any additional pursuit of such efforts. The DNR group agreed that they too understood the EPA had not proceeded with a water pressure analysis for the reasons disclosed.

The Reporting Agent informed the DNR group that the EPA internal review team had pointed out that nowhere in their review did it ever appear that DRMS officials had either preliminary or after-the-fact objections of any kind whatsoever to what they witnessed during the August 4, 2015 excavation and subsequent planned activities that were later observed by DRMS on August

5, 2015. (b) (6), (b) (7)(C)

[REDACTED]

The Reporting Agent solicited the group for the author of the DNR letter. (b) (6), (b) (7)(C)

[REDACTED]

DRMS experts did not support the removal investigation at the GKM.

The Reporting Agent informed the group that the EPA internal review team had pointed out that among all the records they reviewed there was no evidence for them to have relied upon in preparing the August 24, 2015 internal review report and that would have contradicted DRMS' actual support of EPA activities at GKM. The Reporting Agent isolated the issue by asking (b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

[REDACTED]

Finally, the Reporting Agent informed the DNR group that the EPA's internal review team had agreed and commented that it would have been "unusual for any written concurrence" from DRMS for any activity the EPA was either considering or effecting at the GKM – or – anywhere else in the State of Colorado as it related to a removal investigation (b) (6), (b) (7)(C)

[REDACTED]

DRMS contributions in a May 2015 Animas River Stakeholder Group presentation were exclusive to the Red and Bonita Mine.

The Reporting Agent informed the group that it had been determined that in the absence of any DRMS objections, parsing out what the EPA said about GKM and what DRMS said about Red

& Bonita Mine during their joint May 2015 presentation would fail to illuminate, for the purposes of this investigation, any objection DRMS might ever have had related to EPA's proposed removal activities at GKM. DRMS acknowledged that they did not during or after the May 2015 presentation, orally or in writing, submit or produce any objections to EPA's proposed activities at GKM. (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

The Reporting agent informed the group that there was some interpretation under this element of the DNR letter that suggested DNR did not support the EPA in its activities at GKM. (b) (6), (b) (7)(C) had said that the DNR letter did not say DNR did not support the EPA. (b) (6), (b) (7)(C) went o

[REDACTED]

did not need to make a correction to their letter because DNR and DRMS in fact did support the EPA.

DRMS was a consultant at Red & Bonita Mine only and was not involved with directing work at GKM. DRMS were observers only with respect to August 5, 2015 events and were not present at the time of the release.

The Reporting Agent informed the group that there was no evidence DNR or DRMS had ever directed work performed by sub-contractors or prime contractors involved with work at GKM. The Reporting Agent reinforced the fact that there had been no assertion in the EPA's internal review report that DNR or DRMS officials had ever directed work performed by EPA contractors.

(b) (6), (b) (7)(C)

[REDACTED]

DRMS information was provided to the EPA as general advice only and not for the purpose of managing, directing or authorizing any activity at GKM.

The Reporting Agent reiterated that there had been no representation in the August 24, 2015 report that DRMS personnel ever did or ever had been authorized to manage, direct or authorize any activity at the GKM. (b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

DRMS neither offered an opinion about nor investigated the amount of water impounded at the GKM or the water pressure that might be present, nor was DRMS authorized to direct or manage any of the GKM work.

The Reporting Agent reiterated that there was no reference in the internal review team report that suggested or stated DRMS had directed or managed work conducted by EPA's contractors at the GKM. The Reporting Agent reiterated that EPA never authorized any active drilling at the GKM site to assess either water volume or pressure and that to EPA's knowledge DRMS had never done so independently. DNR confirmed that they did not initiate either a study or analysis of the water pressure inside GKM (b) (6), (b) (7)(C) along with the EPA, always understood that there was water at the blockage and inside the GKM.

(b) (6), (b) (7)(C)


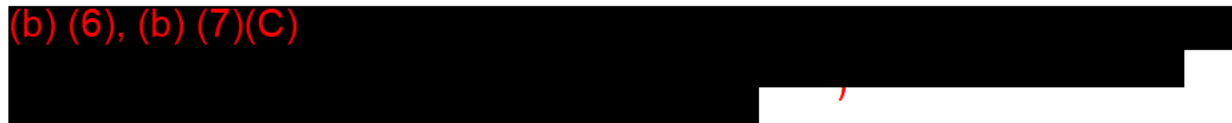
At this point the Reporting Agent determined the OI interview was complete. OPE then took over the interview. One of the questions OPE asked DNR was related to a 2007 DRMS report wherein DRMS had acknowledged the Red & Bonita Mine and all other mines in that vicinity were all interconnected. During the OPE portion of the interview DNR said that as it related to work being conducted at GKM, there was no dispute that work being conducted at Red & Bonita Mine was connected to GKM.

The Reporting Agent determined that the OIG interview was complete and that the opportunity had presented itself to examine a potential solution for resolving some of the inaccuracies in the DNR letter. (b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (5), (b) (7)(E) immediately responded that the Reporting Agent may have taken (b) (6), (b) (7)(C), (b) (5), (b) (7)(E) quote out of context.

The Reporting Agent agreed that DNR would not produce a correction of any kind to its September 2, 2015 letter.

(b) (6), (b) (7)(C)



After all interviewees were given the opportunity to contribute any additional information and all said they had nothing more to offer, the Reporting Agent terminated the interview.

Attachments:

1. Colorado Department of Natural Resources letter, dated September 2, 2015.



DNR letter, dated
September 2, 2015.p

2. EPA Internal Review team Report, dated August 24, 2015.



Internal Review
Team Report, dated



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	January 14, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On January 14, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), interviewed (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) in an EPA conference room located at (b) (6), (b) (7)(C). Joining (b) (6), was EPA employee and Union Representative (b) (6), (b) (7)(C)

Joining the Reporting Agent and providing investigative assistance during this interview were EPA, OIG employees (b) (6), (b) (7)(C), (b) (6), (b) (7)(C)

Both (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were assigned to the OIG's Land Cleanup and Waste Management Directorate, Office of Program Evaluation (OPE). Finally, joining the Reporting Agent, via telephonic conference call, were OIG employees (b) (6), (b) (7)(C)

Prior to the start of the interview the Reporting Agent made introductions and produced law enforcement credentials for (b) (6), (b) (7)(C) to inspect. (b) (6), (b) (7)(C) acknowledged (b) (6), (b) (7)(C) understanding for participating in the interview and the Reporting Agent's authority to conduct the interview. The purpose for this interview, which had been explained to (b) (6), (b) (7)(C) was to gather additional clarity regarding the August 4 and 5, 2015 events that (b) (6), (b) (7)(C) at the Gold King Mine (GKM) site located near Silverton, Colorado. The Reporting Agent added that a recent interview with

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Colorado Department of Natural Resource (DNR) officials created some additional questions to

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b)(5), (b)(7)(C), (b)(7)(E)


(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

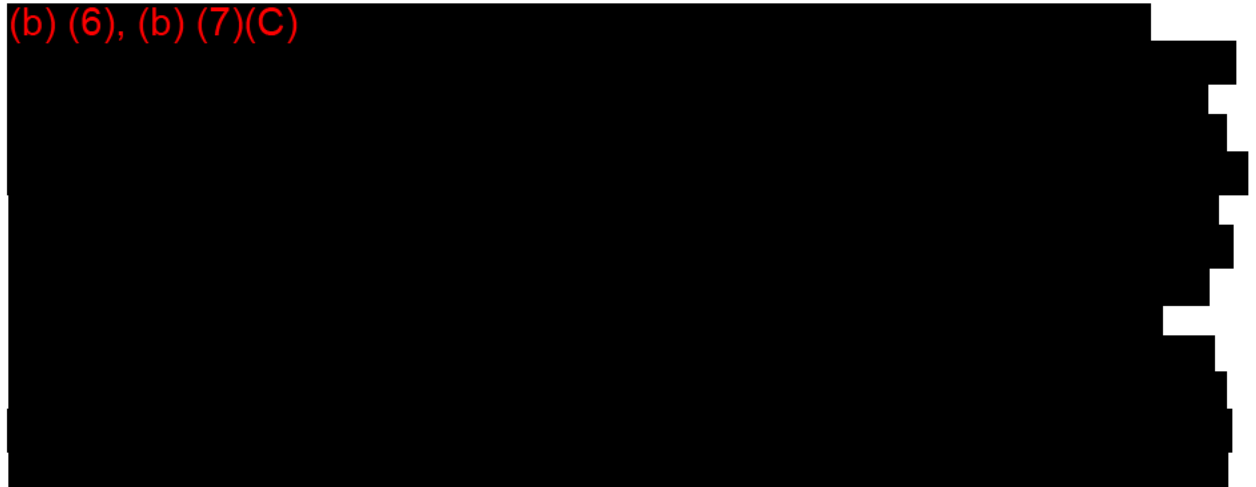
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(b) (6), (b) (7)(C)

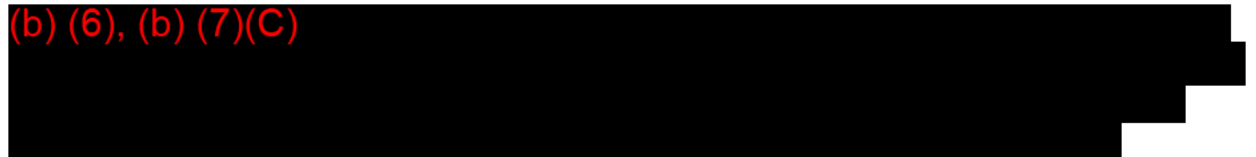


(b) (6), (b) (7)(C)




(b) (7)(C) (b)


(b) (6), (b) (7)(C)




(b) (6), (b) (7)(C)



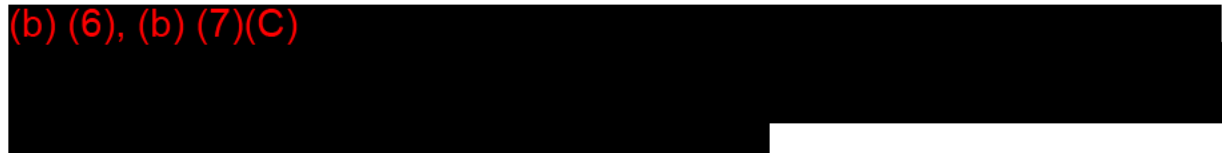
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(b) (6), (b) (7)(C)



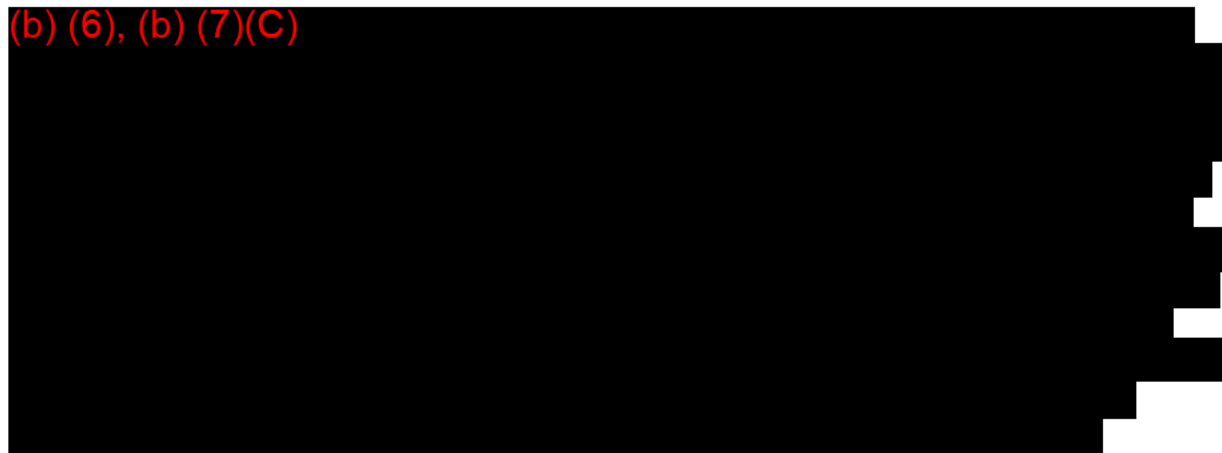
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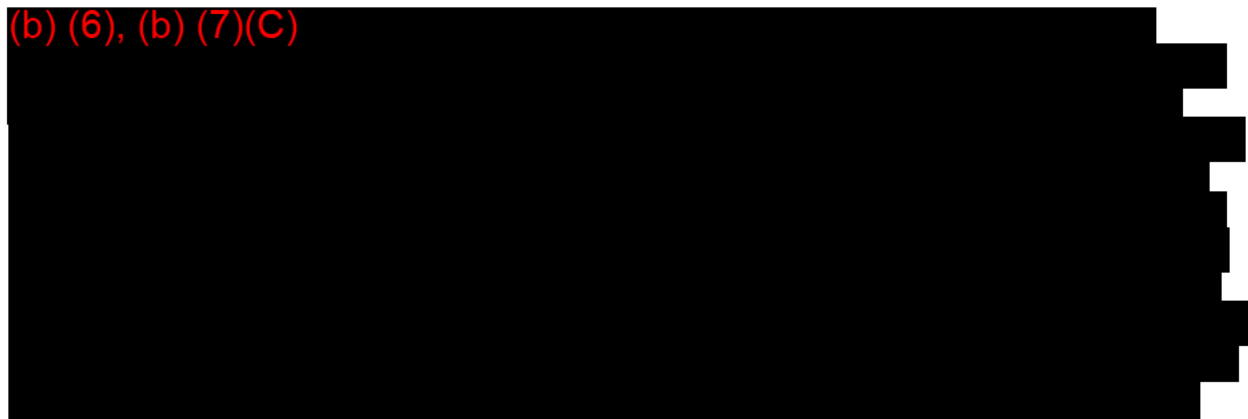
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(b) (6), (b) (7)(C)

(b) (7)(C)

(b) (7)(C)

(b) (6), (b) (7)(C)

The Reporting Agent completed (b) (6) interview. OIG, OPE officials then initiated their interview. Once OPE had completed their interview, the Reporting Agent terminated the OIG interview.

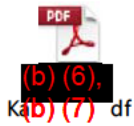
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Attachments:

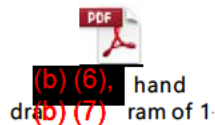
1. Administrative Warning, dated January 14, 2016.



2. OI Procedure 207, Section 4.2, Role of Union Representative.



3. Drawing produced by (b) (6), (b) (7)(C) dated January 14, 2016.



4. BOR Report photographs (b) (6), (b) (7)(C) used to better explain events at GKM.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	March 3, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Telephonic, EPA, OIG, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	N/A

On March 3, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), telephonically interviewed (b) (6), (b) (7)(C).

The Reporting Agent identified (b) (6), (b) (7)(C) and (b) law enforcement authority. The Reporting Agent then asked (b) (6), (b) (7)(C) was willing to respond to a single question regarding a height measurement for the Gold King Mine (GKM) portal adit (b) (6). The Reporting Agent informed (b) (6) that thus far in the investigation it appeared that the earliest measurements captured at the GKM, Level 7 adit portal were most likely documented sometime in late August 2015 and that some excavation may have occurred at the adit portal between August 5, 2015 and any purported late August 2015 measurements.

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) discovery that the GKM, Level 7 was actually 10' tall at the time it was ⁴⁸⁰⁻¹⁷⁷ "driven" and the notion that there had been a cave in during the mid-1980s, the Reporting Agent terminated the interview.

Attachments:

1. Three (3) photographs, dated January 13, 2016.





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	February 25, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

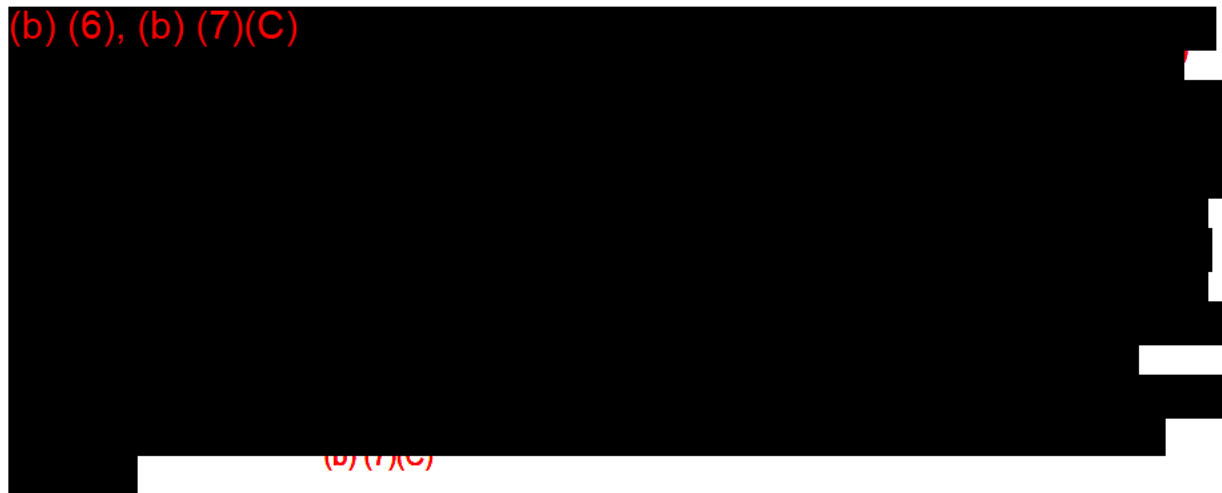
On February 25, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), interviewed EPA employee (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) in an EPA conference room located at (b) (6), (b) (7)(C) Joining (b) (6), (b) (7)(C) was EPA employee and Union Representative (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Joining the Reporting Agent for this interview was OIG, OI employee (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

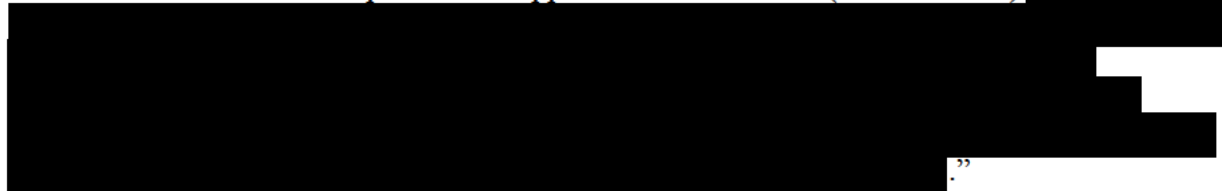
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(b) (6), (b) (7)(C)




(b) (7)(C)

The Reporting Agent asked (b) (6) to consider four (4) different photographs: 1) a hand prepared drawing of the GKM Level 7 adit with two (2) pipes located at or along the roof/ceiling of the GKM, Level 7 adit (undated); 2) a Weston Solutions drawing representing the same information as described above in #1 (dated 8-10-15); 3) an August 4, 2015 photograph taken at 10:28AM of the GKM, Level 7 adit; and, 4) a photograph previously provided to the Reporting Agent (b) (6), (b) (7)(C) showing the GKM, Level 7 adit as it appeared, post August 5, 2015 and sometime after the completion and application of shotcrete (Attachment 2) (b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

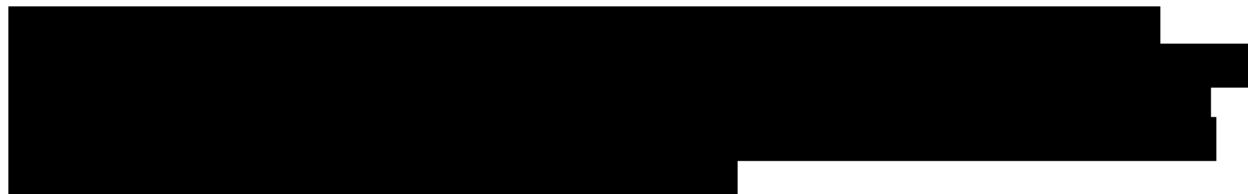
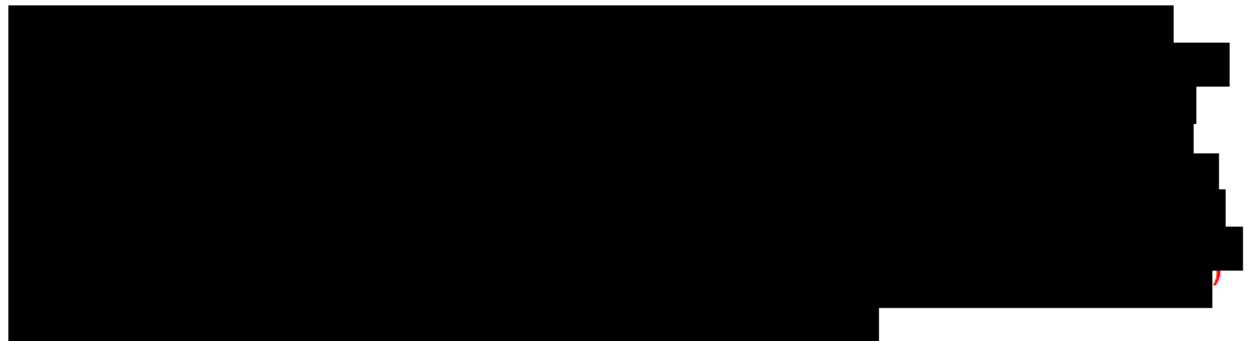
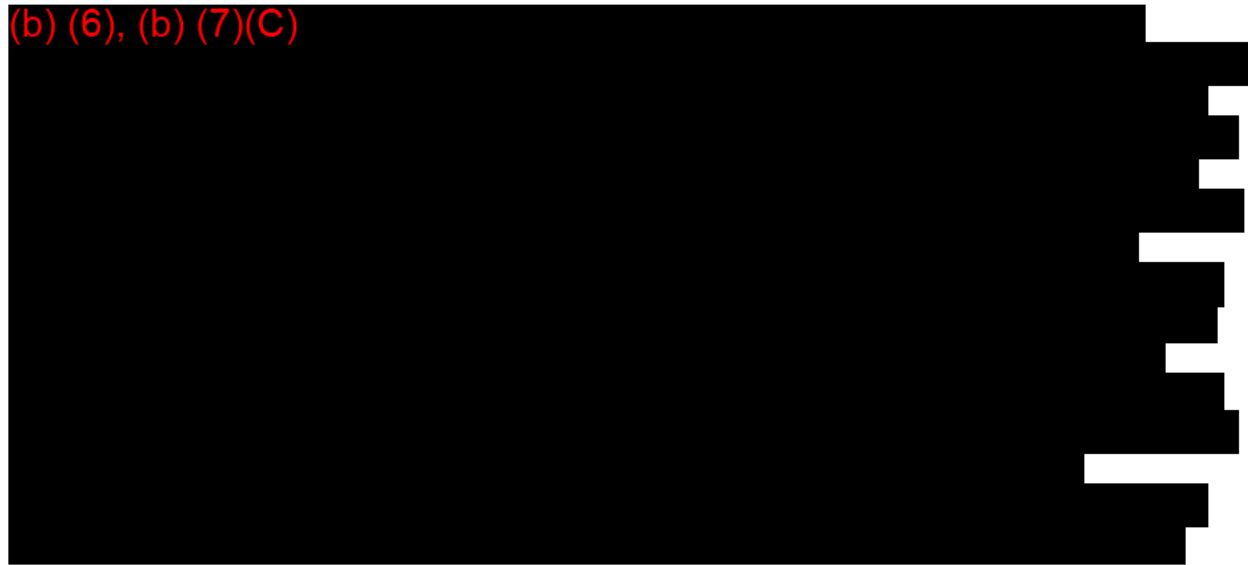


(b) (7)(C)

(b)

(b)

(b) (6), (b) (7)(C)



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(b) (6), (b) (7)(C)

Attachments:

1. Administrative Warning, dated January 13, 2016.



(b) (6) Kalkines.pdf

2. GKM drawings, one (1) photograph, dated August 4, 2015 at 10:28AM and one (1) photograph, undated, reflecting post shotcrete activities.



GKM drawings.pdf

3. (b) (6) email, dated July 29, 2015.



(b) (6) email.pdf

4. GKM photograph of August 5, 2015 taken at 2:14PM.



GKM Aug 5,
2015.pdf

5. GKM photographs preparing for shotcrete and after, to include signs of excavation further down after completion of earlier shotcrete activities.



GKM shock-crete
prep and after.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	January 13, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On January 13, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), interviewed EPA employee (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) in an EPA conference room located at (b) (6), (b) (7)(C), (b) (6), (b) (7)(C). Joining (b) (6) was EPA employee and Union Representative (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) Joining the Reporting Agent for this interview was OIG, OI employee (b) (6), (b) (7)(C). Joining the Reporting Agent and providing investigative assistance during this interview were EPA, OIG employee (b) (6), (b) (7)(C).

Finally, joining the Reporting Agent, via telephonic conference call, were OIG employees (b) (6), (b) (7)(C).

Prior to the start of the interview the Reporting Agent made introductions and both the Reporting Agent and SA (b) (6), (b) (7)(C) had produced law enforcement credentials for (b) (6) to inspect. (b) (6), (b) (7)(C) acknowledged (b) (6), (b) (7)(C) understanding for participating in the interview and Reporting Agent's authority to conduct the interview. The purpose for this interview, which had been explained to (b) (6) and among others had been to (b) (6), (b) (7)(C).

The Reporting Agent explained to (b) (6), (b) (7)(C)

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(b)

[REDACTED]

(b)(6), (b)(7)(C), (b)(7)(E)

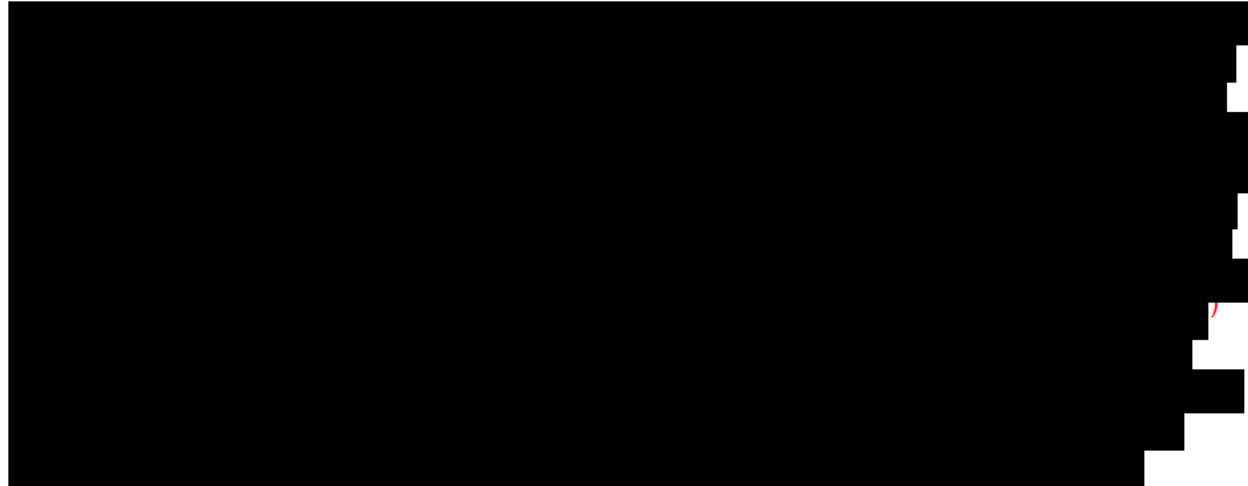
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(b) (6), (b) (7)(C), (b) (7)(E)

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(b)

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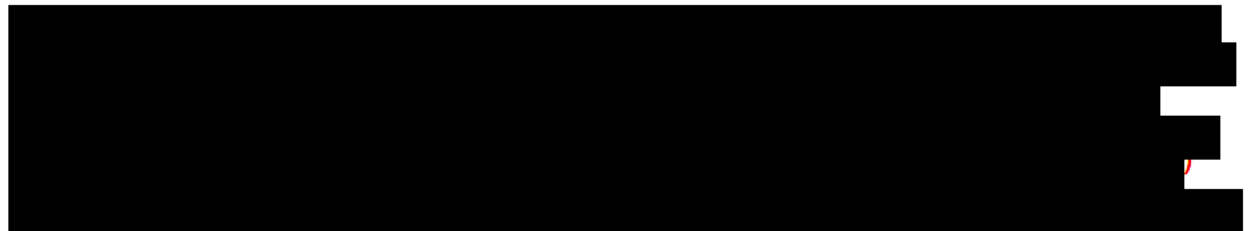
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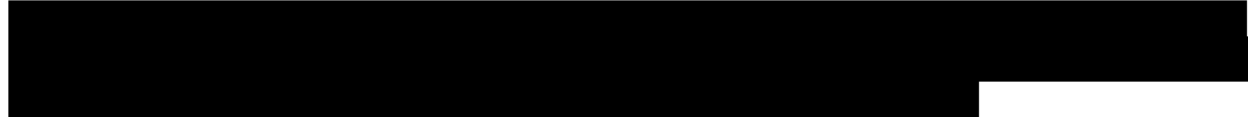




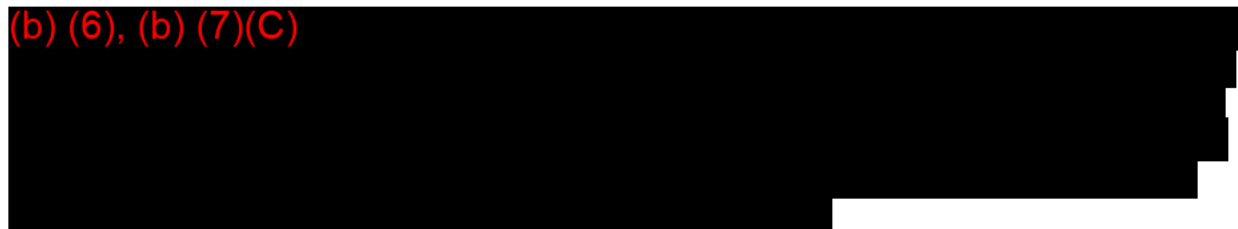
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(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)



The Reporting Agent concluded the OI portion of the interview. OPE officials then initiated their portion of the interview.

Upon completion of the OPE portion of the interview, the Reporting Agent offered (b) (6) the opportunity to contribute any additional information that (b) (6) might have to offer. When (b) (6) responded that (b) (6) had nothing more to offer; and, after the Reporting Agent requested (b) (6) track down information related to billing for Red & Bonita Mine activity, as well as, the origin of a GKM Watershed Fact Sheet, the Reporting Agent terminated the OIG interview.

In a subsequent email from (b) (6) regarding the GKM Watershed Fact Sheet, (b) (6) had stated that (b) (6) could not ascertain the origin of the fact sheet but that it was reviewed and subsequently uploaded by EPA personnel to the agency's website. As it related to DRMS billing for the Red

& Bonita Mine activities, (b) (6) had said that another EPA employee would be better suited to respond to pertinent billing questions.

Attachments:

1. Administrative Warning, dated January 13, 2016.



(b) (6) Kalkines.pdf

2. OI Procedure 207, Section 4.2, Role of Union Representative



Union Rep.pdf

3. (b) (6) response to questions that needed additional research, dated January 14, 2016.



(b) (6) research
Qs.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	April 18, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Telephonic, EPA, OIG Headquarters, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	N/A

On April 18, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), (b) (7)(C) telephonically interviewed EPA employee (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) EPA offices located at (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was already familiar with the Reporting Agent's credentials and authority to conduct the interview. The purpose for this interview, which had been explained to (b) (6), (b) (7)(C) was to gather additional clarity from a (b) (6), (b) (7)(C) email (b) (6), (b) (7)(C) had sent to the Reporting Agent (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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clearly visible and reflects a number of broken timbers. (b) (6), (b) (7)(C)

[REDACTED]

(b) (6)

[REDACTED]

(b)(7)(C)

[REDACTED]

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(b) (6), (b) (7)(C)

The Reporting Agent completed and then terminated the interview.

Attachments:

1. (b) (6), (b) (7)(C) email, dated March 28, 2016, and original "Illustration" attachment.



Clean
Illustration.pdf

2. (b) (6), (b) (7)(C) annotated "Illustration" along with (b) (6), (b) (7)(C) & (b) (6), (b) (7)(C) diagram and August 5, 2015, 12:06 photograph.



Annotated
Illustration.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	April 25, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Telephonic to (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	N/A

On February 25, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), (b) (7)(C) telephonically interviewed EPA employee

(b) (6), (b) (7)(C)

The purpose for this interview, which had been explained to (b) (6), (b) (7)(C) was to gather additional clarity concerning (b) (6), (b) (7)(C) email

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

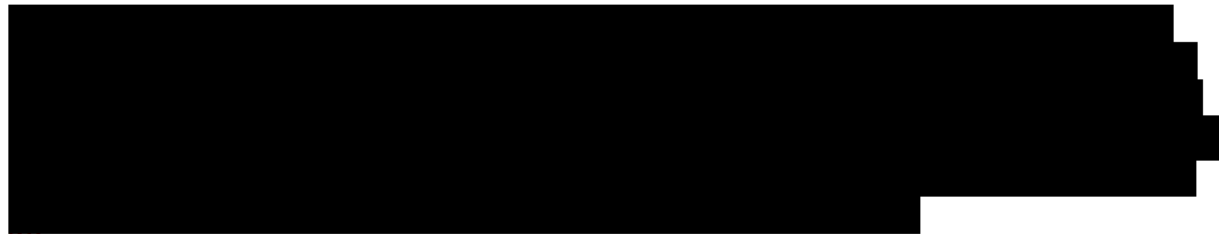




(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)



(b)



(b)

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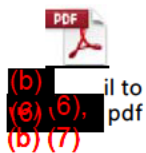
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(b) (6), (b) (7)(C)

Attachments:

1. (b) (6) email, dated July 29, 2015.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	February 24, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On February 24, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), interviewed EPA employee (b) (6), (b) (7)(C) in an EPA conference room located at (b) (6), (b) (7)(C). Joining (b) (6), was EPA employee and Union Representative (b) (6), (b) (7)(C). Joining the Reporting Agent and providing investigative assistance during this interview was EPA OIG, OI employee (b) (6), (b) (7)(C). Prior to the start of the interview the Reporting Agent made introductions (b) (6), (b) (7)(C) were already familiar with the Reporting Agent's credentials and authority to conduct the interview from the previous interview conducted in January 2016. The purpose for this interview, (b) (6), (b) (7)(C) was to gather additional clarity regarding the August 4 and 5, 2015 events (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C)

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• (b) (6), (b) (7)(C)

,

(b) (7)(C)

,

(b) (7)(C)

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• (b) (6), (b) (7)(C)

[REDACTED]

(b) (7)(C)

(b) (7)(C) (b) (7)

(b) (7)(C)

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• (b) (6), (b) (7)(C)

(b)(7)(C)

(b)(7)(C)

(b)

(b)(7)(C)

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• (b) (6), (b) (7)(C) [Redacted text block containing multiple paragraphs of information, mostly obscured by black redaction bars.]

(b) (6), (b) (7)(C)

Attachments:

1. Administrative Warning, dated February 24, 2016.



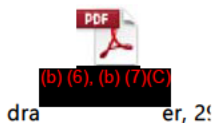
2. Audio recorded interview of (b) (6), (b) (7)(C) dated February 24, 2016.



WS330002.WMA

3. Transcript of audio recorded interview of (b) (6), (b) (7)(C) dated February 24, 2016, has been attached as a stand-alone document due to volume.

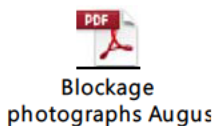
4. (b) (6), (b) (7)(C) profile diagram of GKM, last updated October 29, 2015.



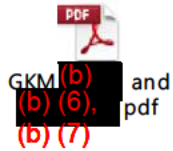
5. EPA work plan spreadsheet for GKM activities.



6. Picture of GKM blockage at 9:15AM and at 9:26AM on August 5, 2015.



7. (b) (6), (b) (7)(C) at GKM adit and bedrock, dated August 5, 2015.



8. CAT 320E Specifications page and picture.



9. GKM photographs, dated August 5, 2015 at 12:16PM, 2:14PM and two (2) photographs with no time stamp.



10. Reporting Agent and (b) (6), (b) (7)(C) drawings, dated February 24, 2016.



11. GKM photograph of spurt at blockage, dated August 5, 2015 at 10:51AM.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

CASE INITIATION

Subject(s)	Location	Other Data
Unknown	Gold King Mine Silverton, Colorado	

NARRATIVE: On August 13, 2015, an investigation was initiated based on a Congressional request received by the United States Environmental Protection Agency (EPA) Office of Inspector General (OIG), Washington, D.C., to look into the accidental release of approximately three million gallons of mine waste from the Gold King Mine near Silverton, Colorado.

On August 5, 2015, the EPA was conducting an investigation of the Gold King Mine to assess the on-going water releases from the mine, treat mine water and assess the feasibility of further mine remediation. While excavating above the old adit, pressurized water began leaking above the mine tunnel, spilling approximately three million gallons of water stored behind the collapsed material into Cement Creek, a tributary of the Animas River.

This investigation is within the jurisdiction of the EPA OIG Office of Investigations as it pertains to possible misconduct/malfeasance on the part of EPA employees and/or EPA contract personnel.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**
1595 WYNKOOP STREET
DENVER, CO 80202

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: Hotline 2015-0362

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

INTERVIEWEE (*if applicable*):

PREPARED BY: (b) (6), (b) (7)(C)

**MEMORANDUM OF ACTIVITY
DECLINATION**

NARRATIVE: On December 14, 2017, (b) (6), (b) (7)(C) received an electronic copy of a memo from (b) (6), (b) (7)(C), Region 8, United State Environmental Protection Agency (EPA), Denver, Colorado, detailing the Agency's response to the three Reports of Investigation (ROI) presented to (b) (6), (b) (7)(C) office on May 5, 2017, surrounding the mine water release from the Gold King Mine in Silverton, Colorado, on August 5, 2015. (Attachment 1)

The memo details the following:

With regard to (b) (6), (b) (7)(C) stated, "...the EPA has concluded that administrative action (b) (6), (b) (7)(C) is not warranted."

With regard to (b) (6), (b) (7)(C) stated, "...EPA does not intend to take any administrative action."

CASE:
OI-HQ-2015-CFR-0108

INTERVIEWEE (*if applicable*):

DATE OF ACTIVITY:
December 14, 2017

DRAFTED DATE:
December 14, 2017

AGENT(S):
(b) (6), (b) (7)

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With regard to a delay in reporting the mine water release from the Gold King Mine to affected downstream stakeholders, (b) (6), (b) (7)(C) stated, "...the EPA does not intend to take any administrative action."

Nothing further.

Attachment:

1. Memo from (b) (6), (b) (7)(C) dated December 14, 2017.



GKM ROI
Response.pdf

CASE:
OI-HQ-2015-CFR-0108

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December 14, 2017

AGENT(S):
(b) (6), (b) (7)

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Page 2 of 2

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2015-CFR-0108

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

MEMORANDUM OF ACTIVITY
REPORT OF INVESTIGATION DELIVERY

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Delivered on: 4/5/17

Received by: Mike Flynn, Acting Deputy Administrator
(printed name & title)

Document not signed at time of delivery
(signature)

Delivered by: Patrick Sullivan, Assistant Inspector General for Investigations
(printed name)


(signature)

CASE:
GOLD KING MINE
INCIDENT (ANIMAS
RIVER)

DATE OF ACTIVITY:
April 5, 2017

AGENT(S): (b)(6), (b)(7)(C)

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Page 1 of 1

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CASE #: OI-HQ-2015-CFR-0108

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

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RIVER)

DATE OF ACTIVITY:
April 5, 2017

AGENT(S): (b)(6), (b)(7)(C)

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CASE:
GOLD KING MINE
INCIDENT (ANIMAS
RIVER)

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April 5, 2017

AGENT(S): (b)(6), (b)(7)(C)

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Page 1 of 1

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CASE:
GOLD KING MINE
INCIDENT (ANIMAS
RIVER)

DATE OF ACTIVITY:
April 5, 2017

AGENT(S): (b)(6), (b)(7)(C)

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Page 1 of 1

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: Hotline #2015-362

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

SIGNIFICANT INCIDENT REPORT

NARRATIVE: On September 29, 2015, (b) (6), (b) (7)(C) telephonically coordinated with Suneeta Hazra, Assistant United States Attorney (AUSA), Chief, Economic Crimes Section, United States Attorney's Office, District of Colorado, Denver, Colorado, (b) (6) (b) (6), (b) (7)(C). The purpose of the coordination was to discuss a letter received by the EPA OIG from the Arizona Attorney General's office requesting whether the EPA OIG's investigation into the release of mine water from the Gold King Mine on August 5, 2015, looked into a possible violation of 42 U.S.C. 9603(a) - Notification requirements respecting released substances.

(b) (6), (b) (7)(C) explained that during the course of the investigation into the mine water release, documentation obtained and interviews conducted detailed that the National Response Center (NRC) was notified of the release. As soon as (b) (6), (b) (7)(C) the Colorado Division of Reclamation, Mining and Safety moved from the mine area (where there was no cell reception) toward Silverton, Colorado (where there was cell service), (b) (6) called the NRC (NRC Report #1124824) to report the spill. The Report was received by the NRC at 2:27pm Eastern.

Within 10-12 minutes of NRC receiving the information, they notified the CDC; DHS; CGIS; CDPHE; Colorado Information Analysis Center; DOT Crisis Mgmt Center; EPA Region 8; National Infrastructure Coordination Center; NOAA; National Response Center; Colorado Oil & Gas Conservation Committee; DOI/OPEC; and the USCG District 8.

(b) (5)

Attachments:

None.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: N/A

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT: (b) (6), (b) (7)(C)

SIGNIFICANT INCIDENT REPORT

On February 23, 2016, the Reporting Agent, along with (b) (6), (b) (7)(C), met with Assistant United States Attorneys (AUSA) Matt Kirsch, Chief, Criminal Division; AUSA Amada Rocque; and AUSA Suneeta Hazra, Chief, Economic Crimes Section; all of the United States Attorney's Office, District of Colorado, Denver, Colorado (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) respectively, at their office (b) (6), (b) (7)(C). During introductions, both Agents presented their law enforcement credentials for inspection. The purpose for this meeting, which had been explained to the group, was to present the facts to date of the investigation titled above.

The Reporting Agent summarized the investigation relying both on multiple photographs taken before, during and after the uncontrolled release at the Gold King Mine (GKM) Level 7 and statements made during a (b) (6), (b) (7)(C) interview of EPA employee (b) (6), (b) (7)(C)

The Reporting Agent explained to the group during the presentation that (b) (6), (b) (7)(C) had not known of (b) (6), (b) (7)(C) document until after the (b) (6), (b) (7)(C) interview when it was received on January 27, 2016. Finally, the Reporting Agent summarized a series of conflicting details (b) (6), (b) (7)(C) had related both in (b) (6), (b) (7)(C) document and in (b) (6), (b) (7)(C) interview, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b)(7)(E), (b)(7)(C), (b)(5), (b)(6)

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(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)



(b)(5)



The Reporting Agent expressed (b) thanks to the group for agreeing to meet with the OIG for this presentation. This meeting (b) was terminated.



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1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: Hotline #2015-362

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

SIGNIFICANT INCIDENT REPORT

NARRATIVE: On September 21, 2015, (b) (6), (b) (7)(C) Office of Investigations, Office of Inspector General, U.S. Environmental Protection Agency (EPA), Denver, Colorado, telephonically coordinated with Matt Kirsch, Assistant United States Attorney (AUSA), Chief, Criminal Division, United States Attorney's Office, District of Colorado, Denver, Colorado. (b) (6), (b) (7)(C) The purpose of the coordination was to discuss the allegations made by the Colorado Department of Natural Resources (CDNR) of factual inaccuracies made (b) (6), (b) (7)(C) Summary Report released to the public surrounding the August 5, 2015, Gold King Mine release. (b) (6), (b) (7)(C)

(b) (5)

office declined criminal prosecution.

Attachments:

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

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(b) (5)

office declined criminal prosecution.

Attachments:

None.



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(b) (5)

office declined criminal prosecution.

Attachments:

None.



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(b) (5)

office declined criminal prosecution.

Attachments:

None.



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(b) (5)

office declined criminal prosecution.

Attachments:

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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DENVER, CO 80202-1129

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: Hotline #2015-362

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

SIGNIFICANT INCIDENT REPORT

NARRATIVE: On October 6, 2016, (b) (6), (b) (7)(C) met with Assistant United States Attorney (AUSA) Suneeta Hazra, Chief, Economic Crimes Division, United States Attorney's Office, District of Colorado, 1225 17th Street, Denver, Colorado, (b) (6), (b) (7)(C) and provided the facts to date surrounding this investigation.

AUSA Hazra stated her office was declining prosecution based on (b) (7)(E), (b) (5)

Attachments:

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: Hotline #2015-362

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

SIGNIFICANT INCIDENT REPORT

NARRATIVE: On October 6, 2016, (b) (6), (b) (7)(C) met with Assistant United States Attorney (AUSA) Amanda Rocque, Civil Division, District of Colorado, United States Attorney's Office, 1225 17th Street, Denver, Colorado, (b) (6), (b) (7)(C) and provided the facts to date surrounding this investigation. (b) (6), (b) (7)(C)

AUSA Rocque stated her office was declining civil litigation based on (b) (5), (b) (7)(E)

Attachments:

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

PREPARED BY: (b) (6), (b) (7)(C)

LEAD REQUEST

On December 3, 2015 the Reporting Agent filed a request to the EPA through OI's Office of Professional Responsibility (OPR) for (b) (7)(E)

[REDACTED]

(b) (6), (b) (7)
(C), (b) (7)(E)

[REDACTED]

[REDACTED]

(b) (7)(E)

[REDACTED]

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
TWO POTOMAC YARDS
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

MEMORANDUM OF ACTIVITY

On August 24, 2015, (b) (6), (b) (7)(C) conducted research on the National Response Center. The purpose of this research was to assist in clarifying EPA's role within the NRC. The following was taken from various locations of EPA's public Internet website and is organized as follows:

1. National Response Center
2. National Contingency Plan
3. On Scene Coordinator
4. Responding to an Incident
5. National Response System Flowchart

1. NATIONAL RESPONSE CENTER

"The [National Response Center \(NRC\)](#) is the federal government's national communications center, which is staffed 24 hours a day by U.S. Coast Guard officers and marine science technicians. The NRC is the sole federal point of contact for reporting all hazardous substances releases and oil spills. The NRC receives all reports of releases involving hazardous substances and oil that trigger federal notification requirements under several laws.

Reports to the NRC activate the [National Contingency Plan](#) and the federal government's response capabilities. It is the responsibility of the NRC staff to notify the pre-designated [On-Scene Coordinator](#) assigned to the area of the incident and to collect available information on the size and nature of the release, the facility or vessel involved, and the party(ies) responsible for the release. The NRC maintains reports of all releases and spills in a national database."

2. NATIONAL CONTINGENCY PLAN

"The National Oil and Hazardous Substances Pollution Contingency Plan, more commonly called the National Contingency Plan or NCP, is the federal government's blueprint for responding to both oil spills and hazardous substance releases. The NCP is the result of efforts to

develop a national response capability and promote coordination among the hierarchy of responders and contingency plans.

The first NCP was developed and published in 1968 in response to a massive oil spill from the oil tanker *Torrey Canyon* off the coast of England. More than 37 million gallons of crude oil spilled into the water, causing massive environmental damage. To avoid the problems faced by response officials involved in this incident, U.S. officials developed a coordinated approach to cope with potential spills in U.S. waters. The 1968 plan provided the first comprehensive system of accident reporting, spill containment and cleanup. The plan also established a response headquarters, a national reaction team and regional reaction teams (precursors to the current [National Response Team](#) and [Regional Response Teams](#)).

Congress has broadened the scope of the NCP over the years. As required by the [Clean Water Act of 1972](#), the NCP was revised to include a framework for responding to hazardous substance releases, as well as oil spills. Following the passage of [Superfund legislation](#) in 1980, the NCP was broadened to cover releases at hazardous waste sites requiring emergency removal actions. Over the years, additional revisions have been made to the NCP to keep pace with the enactment of legislation. The [latest revisions to the NCP were finalized in 1994](#) to reflect the oil spill provisions of the [Oil Pollution Act of 1990](#).”

3. ON SCENE COORDINATOR

“On-Scene Coordinators (OSCs) are the federal officials responsible for monitoring or directing responses to all oil spills and hazardous substance releases reported to the federal government. OSCs coordinate all federal efforts with, and provides support and information to, local, state and regional response communities. An OSC is an agent of either EPA or the U.S. Coast Guard, depending on where the incident occurs. EPA's OSCs have primary responsibility for spills and releases to inland areas and waters. U.S. Coast Guard OSCs have responsibility for coastal waters and the Great Lakes. In general, an OSC has the following key responsibilities during and after a response:

- [Assessment](#)
- [Monitoring](#)
- [Response Assistance](#)
- [Evaluation](#)

Assessment

Assessment involves evaluating the size and nature of a release or spill, its potential hazards, the resources needed to contain and clean it up, and the ability of the responsible party or local authorities to handle the incident. The results of the assessment are used to determine the need for personnel, equipment, and other resources to promptly and effectively combat the release.

Monitoring

Monitoring comprises actions taken to control and clean up a chemical release or oil spill are appropriate. Monitoring can be conducted at the site when necessary or from an agency office if the situation appears to be under control. In the case of oil spills, the OSC is legally required to

monitor the response if the spill poses a substantial threat to the health and welfare of the public due to its size or characteristics.

Response Assistance

Once a release or spill has been assessed, the OSC determines whether federal assistance will be necessary to help control and contain it. If the OSC decides that federal assistance is required, the OSC will obtain needed resources such as personnel and equipment. If sufficient resources are not available for an incident, the OSC decides [who pays](#) and can secure federal funding either from the Superfund trust fund for hazardous substance releases or the Oil Spill Liability Trust Fund for oil spills. This assistance ensures that cleanup will not be hindered by a lack in availability of personnel or equipment on behalf of the local or state or responsible party resources.

Evaluation

Evaluating response actions provides information that is useful for designing or improving spill response plans. The [National Oil and Hazardous Substances Pollution Contingency Plan \(NCP\)](#) requires that the OSC report all activities that take place during and after an incident. For example, following an oil spill, the OSC is required to file a summary report that outlines the actions taken to remedy the spill and the level of assistance provided by local, state, and federal agencies. These reports can be used to identify problem areas and can be shared with other agencies that can make recommendations for improvement.”

4. RESPONDING TO AN INCIDENT

First Line of Defense

When a release or spill occurs, the first line of defense is provided by:

- the company responsible for the release,
- its response contractors,
- local fire and police departments, and
- local emergency response personnel.

If needed, a variety of state agencies stand ready to support, assist, or take over response operations if an incident is beyond local capabilities.

In some cases, local governments or Indian tribes conduct temporary emergency measures, but do not have emergency response funds budgeted to cover response costs. The [Local Governments Reimbursement Program](#), operated by EPA, will reimburse local governments up to \$25,000 per incident.

Federal Involvement

If the amount of a hazardous substance release or oil spill exceeds the established [reporting trigger](#), the organization responsible for the release or spill is required by law to notify the federal government's [National Response Center \(NRC\)](#). Once a report is made, the NRC immediately notifies a pre-designated EPA or U.S. Coast Guard [On-Scene Coordinator \(OSC\)](#), based on the location of the spill. The OSC determines the status of the local response and

monitors the situation to determine whether, or how much, federal involvement is necessary. It is the OSC's job to ensure that the cleanup, whether accomplished by industry, local, state, or federal officials, is appropriate, timely, and minimizes human and environmental damage.

The federal OSC will take command of the response in the following situations:

- If the party responsible for the chemical release or oil spill is unknown or not cooperative;
- If the OSC determines that the spill or release is beyond the capacity of the company, local, or state responders to manage; or
- For oil spills, if the incident is determined to present a substantial threat to public health or welfare due to the size or character of the spill.

The OSC may request additional support to respond to a release or spill, such as additional contractors, technical support from EPA's [Special Teams](#), or Scientific Support Coordinators from EPA or the National Oceanic and Atmospheric Administration. The OSC also may seek support from the [Regional Response Team](#) to access special expertise or to provide additional logistical support. In addition, the [National Response Team](#) stands ready to provide backup policy and logistical support to the OSC and the RRT during an incident. The [National Response System \(NRS\) Flowchart](#) provides a quick reference for how additional resources are brought into the response.

The federal government will remain involved at the site following response actions to undertake a number of activities, including assessing damages, supporting restoration efforts, recovering response costs from the parties responsible for the spill, and, if necessary, enforcing the liability and penalty provisions of the Clean Water Act, as amended by the Oil Pollution Act of 1990.

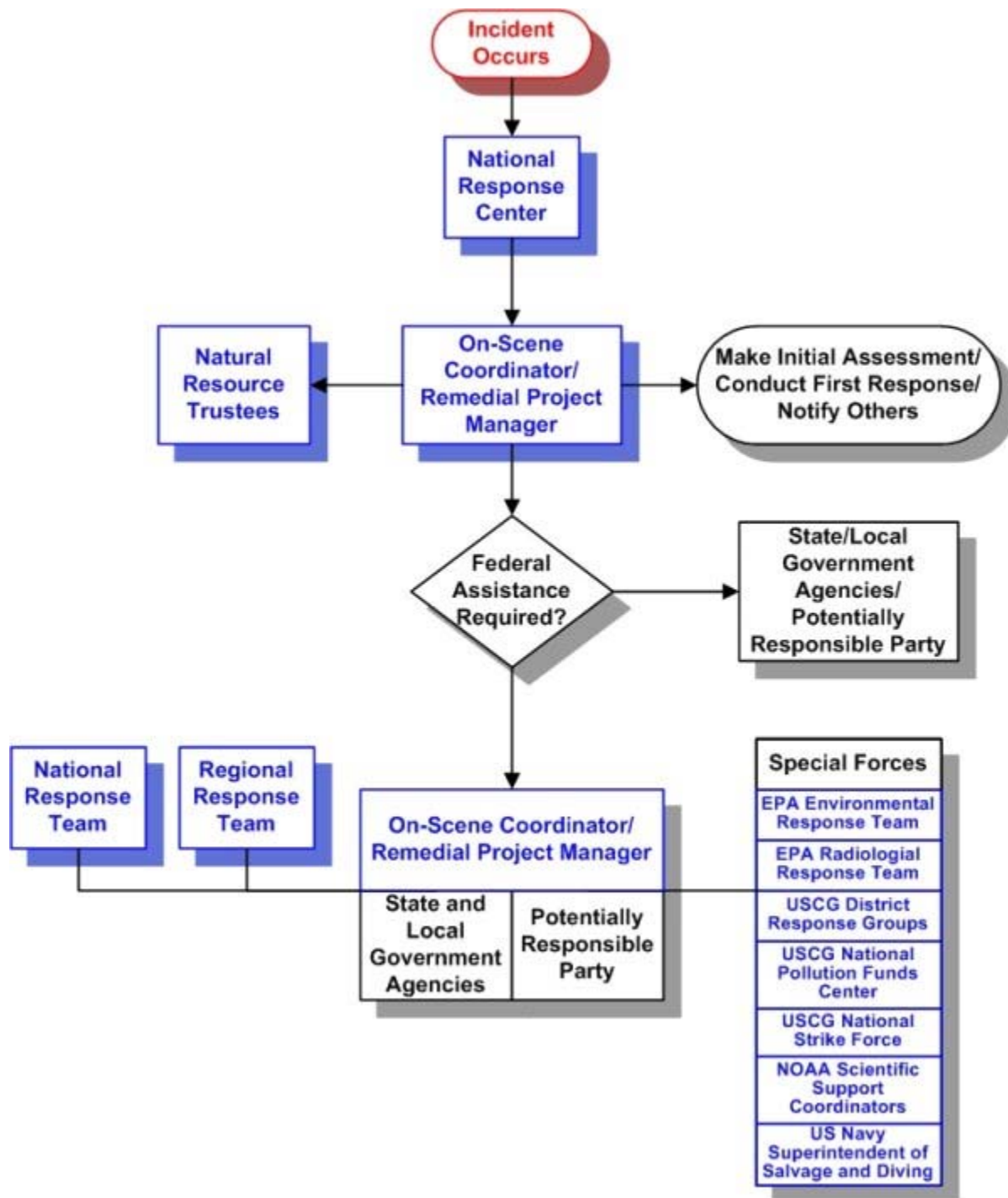
5. NATIONAL RESPONSE SYSTEM FLOWCHART

The flowchart below shows how the National Response System functions.

1. When a release or spill occurs, the organization responsible for the release or spill is required by law to notify the [National Response Center](#) (NRC).
2. Once a report is made, the NRC immediately notifies an [On-Scene Coordinator](#) (OSC).
3. The OSC determines the status of the response by state and local government responders and the company responsible for the release or spill, called the potentially responsible party.
4. The OSC also monitors the situation to determine whether, or how much, federal involvement is necessary.

The OSC may request additional support to respond to a release or spill, such as: additional contractors, technical support from EPA's [Environmental Response Team](#), or Scientific Support Coordinators from EPA or the [National Oceanic and Atmospheric Administration](#). The OSC may seek support from the [Regional Response Team \(RRT\)](#) to access special expertise or to provide

additional logistical support. In addition, the [National Response Team](#) stands ready to provide backup policy and logistical support to the OSC and the RRT during an incident.



Attachment(s): None



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
TWO POTOMAC YARDS
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

MEMORANDUM OF ACTIVITY

On August 23, 2015, (b) (6), (b) (7)(C) received for review from (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), (b) (6), (b) (7)(C) copy of an agreement (Attached) between the EPA and (b) (6), (b) (7)(C) Gold King Mine (GKM), Silverton, CO. It was previously determined that this agreement provided approval by (b) (6), (b) (7) to the EPA to conduct work at the GKM.

Preliminary review determined the agreement to be dated August 8, 2014, and titled, "CONSENT FOR ACCESS TO PROPERTY." The agreement is on EPA Region 8 letterhead and signed by (b) (6), (b) (7). The agreement states, in part, that (b) (6), (b) (7) authorizes "continued" access to the designated properties until December 2015. The designated properties included "the claims near and including the Upper Gold King 7 Level mine." Continued review showed (b) (6), (b) (7) authorizing the land access to officers, employees, and authorized representatives of the EPA, Bureau of Land Management, and the State of Colorado.

Attachment(s):

1. Copy of Email, dated August 23, 2015 from (b) (6), (b) (7)(C)

Attachment(s):

1. Copy of Email, dated August 23, 2015 from (b) (6), (b) (7)(C)



(b) (6), Email
At (b) (7) 015 w A:



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: 2015-0362

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by): (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY

NARRATIVE: On February 4, 2016, the Reporting Agent contacted Assistant United States Attorney (AUSA) Matt Kirsch, Chief, Criminal Division, United States Attorney's Office, District of Colorado, Denver, CO (b) (6), (b) (7)(C). The purpose for this contact was to update and discuss the current status of the investigation and the investigative necessity to conduct an additional interview (b) (6), (b) (7)(C).

After relating additional details pertaining to a (b) (6), (b) (7)(C) (b)(7)(E), (b)(7)(C), (b)(6)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: 2015-0362

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

MEMORANDUM OF ACTIVITY

NARRATIVE: On August 24, 2015, the United States Environmental Protection Agency (EPA) Internal Review Team (Team) released a Summary Report (Report) regarding their assessment of the events and potential factors contributing to the blowout from the Gold King Mine (GKM) in Colorado on August 5, 2015. (Attachment 1)

According to the Report, the review conducted by the Team entailed developing a detailed, chronological description of events as well as identifying potential factors which contributed to the release. The review included recommendations Regions may apply to ongoing and planned site assessments, investigations and construction or removal projects. The review included:

- A visit, during the week of August 16, 2015, to the GKM site to observe post-August 5th site release conditions.
- Interviews with the on-site EPA On Scene Coordinator (OSC) and other appropriate EPA staff, appropriate contractor representatives and others – as appropriate – to document their recollections of the event.
- Interviews to be conducted using guidelines to be included in a briefing from the Office of the General Counsel.
- Review of pertinent site documentation to identify potential factor contributing to the release.
- Potential coordination with subsequent external review being conducted by the US Department of Interior/Bureau of Reclamation and the US Army Corps of Engineers.
- Any recommendations to implement at similar sites, both ongoing and new.

The Team was asked to conduct a one-week rapid assessment of the GKM blowout. From August 15 to August 24, 2015, the Team performed a site visit, interviewed key individuals, reviewed available information and drafted a report.

RESTRICTED INFORMATION

Page 1

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(b) (6), (b) (7)(C)

The Report detailed a chronology of pertinent site events beginning in the 1880s through the August 5, 2015, blowout.

Observations noted by the Team related to the release were:

- The work plan accounted for the possibility of pressurized mine water conditions.
- The work plan outlined the steps to be taken, such as gradually lowering the debris and the use of equipment (stinger) that would help control drainage from the mine under non- or slightly pressurized conditions.
- For the Adit, a determination of no or low mine water pressurization was made by experienced professional from the EPA and the Division of Reclamation, Mining and Safety (DRMS).
 1. The hill above the Adit was inspected for seeps which would have indicated outward flow from mine water that had pressure head above the top of the Adit.
 2. The mine was draining, which indicated that since water was able to escape buildup of pressure was less likely.
 3. The DRMS experts, who supported the removal investigation and had worked in the area for years, were familiar with the site and knew the details of the operation and area hydrology.
 4. The Animas River Stakeholders Group (ARSG) had been given a presentation by DRMS and an EPA OSC, as documented in the May ASRG Meeting Summary.
 5. The DRMS experts supported the removal investigation at the Adit and were present at the site during the operations on August 4th and 5th.
 6. The “seep” level coming from the Adit during excavation seemed to be at the midlevel of the material blocking the Adit, indicating a partially filled adit as opposed to a pressurized one.
 7. The Red and Bonita Mine Adit was lower in elevation and found to be unpressurized after it was accessed by drilling from above.
 8. The DRMS experts indicated that similar techniques have been employed at other similar mine sites.
- Despite the available information suggesting low water pressure behind the debris at the Adit entrance, there was, in fact, sufficiently high pressure to cause the blowout.
- Mine water pressurization data from behind the blockage potentially could have been obtained through a drill hole inserted further back into the Adit from above the mine tunnel. However, the use of such a technique would have been very difficult and expensive at the Adit.
- An additional potential clue of potential pressurization was the decrease in flows from the Gold King Adits over the years.

- The Team was not able to identify any calculations made on the possible volume of water that could be held behind the portal plug.
- The Request for Proposals that included the work at the Adit project requested a plan for dealing with mine water flow and also stated the blockage in the Adit must be removed in a manner to prevent a surge of impounded mine water from being released.

The following were conclusions noted by the Team:

1. The EPA site removal investigation team had extensive experience with the investigation and closure of mines; had consulted with and had the field support of the DRMS; performed outreach to the ARSG, to provide an opportunity for additional input regarding the planned activities; and had extensive site knowledge of the mine workings and extensive experience evaluating and working on mine sites. None of those participating or informed parties raised any significant concerns with the proposed activities.
2. In preparation for the investigation activities, EPA had collected and analyzed flow data, was familiar with site topography, and had inspected the site for signs of seeps, including the area above the Adit, prior to implementing the execution of the work plan.
3. It was not evident that the potential volume of water stored within the Adit had been estimated.
4. Additional expert opinions may be warranted for sites with collapsed adits, complex interconnectivity of mine workings and highly transmissive bedrock groundwater systems.
5. The work plan contained an Emergency Action Plan, which included provisions for mine emergencies including cave-ins.
6. The Adit was located in a remote, rugged mountain location in the Rocky Mountains. The level of effort necessary to mobilize a drill rig and create a drill pad to undertake drilling or other investigative techniques to determine pressure (hydrostatic head) within the mine would require significant resources and add additional time to the implementation schedule and may not be successful in ascertaining water levels or pressure within the mine. Safety was a key consideration for drilling at the Gold King site, and establishing a safe location for the drill pad would have been very challenging given the steepness and instability of the slopes above and in proximity to the Adit.
7. In reviewing the pertinent documents provided, interviews conducted, visiting the site and evaluating the photo logs, the Team concluded the Adit blowout was likely inevitable.
8. Although the removal investigation team was quite experienced and followed standard procedures of a well thought out work plan that included state and ARSG involvement, the underestimation of the water pressure in the GKM workings was believed to be the most significant factor relating to the blowout.
9. A limited review of internet resources did not reveal any existing guidelines or procedures for assessing highly pressurized mine adits or tunnels, such as the GKM.

The following were recommendations noted by the Team:

1. EPA should develop guidance to outline the steps that should be undertaken to minimize the risk of an adit blowout associated with investigation or cleanup activities.
2. Even though the chance of encountering pressurized mine water was investigated in many ways at the GKM, the GKM blowout suggests that EPA should develop a toolbox

of additional investigative tools, such as remote sensing or drilling into the mine pool from the top or side, that should be more seriously considered at similar sites.

3. Emergency Action Plans should include protocols should a blowout occur at those mine sites where there is a potential for such an event to occur.
4. Information and rationale developed by a site team in anticipation of an investigation or cleanup action for sites where an adit blowout could be a concern should be critically reviewed by a qualified and experienced Regional Mining Engineer and or Mining Hydrologist/Geologist.
5. The Team also recommends subsequent reviews of the GKM Adit blowout by an Independent External Review Group or the Office of Inspector General consider the possibility of assembling a panel of experts consisting of mining industry experts, other federal and state mining experts, academia, consultants, non-governmental organizations and tribal governments to further analyze the situation encountered at this site and come up with recommendations on additional safeguard measures to reduce the risk and minimize the consequences of such incidents in the future.

Nothing further.

Attachment:

1. EPA Internal Review Team Summary Report, dated August 24, 2015.



EPA Internal Review
Summary Report.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

PREPARED BY: (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY

On May 3, 2016, the Reporting Agent conducted a review of an email, dated December 4, 2015 and submitted by (b) (6), (b) (7)(C)

located at (b) (6), (b) (7)(C)

The email and attachment described a Red and Bonita bulkhead plan and Gold King Mine (GKM) investigation operation, which had been presented to the Animas River Stakeholders Group (ARSG) near Silverton, CO on May 27, 2015. The purpose for this review was to ascertain the elevation of the GKM as concluded by both the EPA and officials from the Colorado Division of Reclamation and Mining Safety on May 27, 2015.

As described in the ARSG *Meeting Summary* record, at page 12, *Mine Elevations/Bulkheads/ mine pool elevations*:

- The GKM Level #7 elevation for that portal was 11,440 feet.

This document review was completed.

Attachments:

1. (b) (6), (b) (7)(C), dated December 4, 2015 and ARSG *Meeting Summary* document, dated May 27, 2015.





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CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: 2015-0362

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

MEMORANDUM OF ACTIVITY

NARRATIVE: On September 2, 2015, the Colorado Department of Natural Resources (CDNR), 1313 Sherman Street, Room [REDACTED] Denver, CO 80203, provided a memo (Attachment 1) to (b) (6), (b) (7)(C) [REDACTED] Office of Inspector General, U.S. Environmental Protection Agency (EPA), Denver, Colorado, pertaining to “clarifying points” the CDNR wished to make regarding some of the information contained in the August 24, 2015, Summary Report written by the EPA Internal Review Team. (Attachment 2)

The memo details how the Division of Reclamation, Mining and Safety (DRMS) (a component of CDNR) “did not have any authority to manage, assess, or approve any work at the Gold King Mine.” The extent to which DRMS had any involvement with the Gold King Mine (GKM) was any association there may have been with the grant award DRMS had regarding consulting on the Red and Bonita mine (R&B).

According to the memo, “On the morning of August 5, 2015, EPA requested that DRMS personnel come to the Gold King mine to consult with EPA about future underground mine work at the Gold King that had nothing to do with excavation taking place by EPA and/or its contractors that morning. No one at DRMS directed any work at Gold King, nor did any DRMS personnel approve or disapprove any of the work EPA was conducting there.”

The following are “assertions” made by the EPA Internal Review Team and associated clarifying comments by CDNR:

1. “For the Adit, a determination of no or low mine water pressurization was made by experienced professional from EPA and the DRMS.”

CDNR response: DRMS did not make any determination of mine water pressure at the GKM.

2. "The DRMS experts (b) (6), (b) (7)(C) who supported the removal investigation,..."

CDNR response: DRMS staff did not support the removal investigation at the GKM. DRMS' role was to support work at the R&B and monitor any effects work at the R&B might have on mines in the vicinity.

3. "The Animas River Stakeholders Group had been given a presentation by (b) (6), (b) (7)(C)

CDNR response: (b) (6), (b) (7)(C) meeting of the Animas River Stakeholders Group was on the R&B bulkhead design only.

4. "The DRMS experts supported the removal investigation at the Adit and were present at the site during the operations on August 4 and 5."

CDNR response: DRMS was acting as a consultant on the R&B only and was not involved with directing work at the GKM. DRMS personnel were observers only with respect to the August 5th events and were not present at the time of the release.

5. "The DRMS experts indicated that similar techniques have been employed at other similar mine sites. One DRMS expert noted that a similar investigation technique was implemented at the Captain Jack Mine in Colorado but did not result in a blowout."

CDNR response: There was an impoundment decanted that way. The method has worked, but at sites where there was no overpressure. This information was provided to EPA as general advice only and not for the purpose of managing, directing or authorizing any activity at the GKM.

6. "The EPA site removal investigation team had consulted with and had the field support of DRMS."

CDNR response: DRMS was consulting on bulkhead design and underground inspections at the R&B. EPA asked DRMS informally in the field for ideas on techniques for rehabilitation of the GKM portal and related inner-mine matters that might be address after the GKM was dewatered. DRMS neither offered an opinion about nor investigated the amount of water impounded at the GKM or water pressure that might be present, nor was it authorized to direct or manage any of the GKM work.

The memo closes by stating, "DRMS has worked collaboratively with EPA toward the shared objective of improving water quality in the Upper Animas River Watershed. EPA initiates the requests for consultation which are advisory in nature and typically informal. While there is a more formal arrangement at the Red and Bonita for consultation on inner mine workings, operations at Gold King were entirely under EPA management using EPA contractors on an EPA response action pursuant to the federal Comprehensive Environmental Response Compensation and Liability Act."

The memo was signed by (b) (6), (b) (7)(C) CDNR.

Nothing further.

Attachments:

1. CDNR Memo, dated September 2, 2015.



DRMS Letter.pdf

2. EPA Internal Review Team Summary Report, dated August 24, 2015.



EPA Internal Review
Summary Report.pdf



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OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

PREPARED BY: (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY

On February 19, 2016, the Reporting Agent took receipt of an email from (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) This email contained two engineering diagram/drawings attachments depicting the Gold King Mine Level 7 adit (GKM): 1) a land survey surrounding the GKM; and, 2) a Portal Profile of GKM.

The above attachments were two of many records relied upon during a February 24, 2016 Office of Inspector General interview (b) (6), (b) (7)(C)

On April 22, 2016, the Reporting Agent once again reviewed the diagrams attached to (b) (6), (b) (7)(C) email. The Portal Profile diagram, in particular, offered the following details related to heights in elevation at the new GKM brow:

- Adit Brow - 11,457'
- Temp Fill - 11,445'
- Floor of Adit - 11,436'

According to the (b) (6), (b) (7)(C) Portal Profile drawings of October 29, 2015, two months and twenty four days after the August 5, 2015 uncontrolled release at GKM, the distance between the GKM new brow and the GKM new floor was approximately 21'. This distance accounts for the additional excavation that occurred at GKM post August 5, 2015 when the brow was excavated upward from its previously photographed location on August 5, 2015 and when the floor was excavated downward from where it too had been previously photographed on August 5, 2015.

Also in the (b) (6), (b) (7)(C) Portal Profile drawing, the distance from the Temp Fill line at approximately 11,445' to the GKM new brow at approximately 11,457 equates to approximately 12'. Photographic evidence indicated that it was only from the approximate Temp Fill line and up that shotcrete was later applied to the mountain entrance at GKM after August 5, 2015 and post all additional excavation.

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Page 1

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(b) (6), (b) (7)(C), (b) (5)



Attachments:

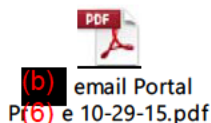
1. (b) (6) email, dated February 19, 2016.



2. (b) (6) email attachment of land survey at GKM, dated February 19, 2016.



3. (b) (6) email attachment of Portal Profile, post August 5, 2015 excavation, dated February 19, 2016.



4. Photographs at GKM, post October 5, 2015, reflecting shotcrete preparation and application.





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CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

PREPARED BY: (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY

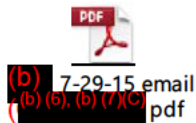
On February 24, 2016, the Reporting Agent took receipt of an email from (b) (6), (b) (7)(C)

This email contained one attachment documenting the names and employers of all personnel on scene at the Gold King Mine Level 7 adit (GKM) on both August 4 and 5, 2015.

On April 22, 2016, the Reporting Agent conducted a review of the (b) (6), (b) (7)(C) email and contacted (b) (6), (b) (7)(C) for additional confirmation. As reflected in the attachment and in addition to water pumps and piping materials that were also not on scene at GKM, there were no (b) (6), (b) (7)(C) contractor personnel on scene on either August 4 or 5, 2015. (b) (6), (b) (7)(C), (b) (5)

Attachments:

1. (b) (6) email (b) (6), (b) (7)(C) dated July 29, 2015.



2. (b) (6), (b) (7)(C) email and attachment, dated February 24, 2016.





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WASHINGTON, DC 20004

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

PREPARED BY: (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY

On March 11, 2016, the Reporting Agent took receipt of an email from (b) (6), (b) (7)(C)

This email contained several attachments that included engineering drawings and photographs captured by (b) (6), (b) (7)(C) & Consultants, Inc. (b) (6), (b) (7)(C)

as well as, a Technical Memorandum, dated March 4, 2016. These attachments were received after and in response to the Reporting Agent's earlier request for additional information during (b) (6), (b) (7) interview, dated February 25, 2016.

On April 26, 2016, the Reporting Agent once again reviewed the attachments from (b) (6), (b) (7) March 11, 2015 email. The Portal Profile drawing depicting the *Section of Brow Removed*, Figure 6, offered the following details related to the elevation of the brow at the Gold King Mine (GKM) prior to all rehabilitation of the GKM, which occurred after August 5, 2015:

- Adit Brow - 11,453'

The Portal Profile drawing depicting the rubble, which would have been the August 4 and 5, 2015 visible surface of the floor at the GKM, Figure 2, offered the following details related to the rubble/floor height in elevation at the GKM prior to all rehabilitation of the GKM, which occurred after August 5, 2015

- Rubble - 11,440'

Relying on the (b) (6), (b) (7) & (b) (6), (b) (7) drawings above, the Reporting Agent calculated that the distance between the GKM brow and the GKM floor, or rubble prior to rehabilitation of the GKM was:

- 13'

In reviewing (b) (6), (b) (7) March 11, 2016 email, (b) (6), (b) (7) had stated that (b) (6), (b) (7) & (b) (6), (b) (7) engineers had been on site at GKM on August 17 and 18, 2015 and that they had determined the visible estimated distance between the GKM brow and rubble floor was approximately 14'. (b) (6), (b) (7) had gone on to say in (b) (6), (b) (7) email that (b) (6), (b) (7) & (b) (6), (b) (7) had returned to GKM on August 27 and 28, 2015. Both (b) (6), (b) (7) and in the (b) (6), (b) (7) Memorandum, dated March 4, 2016, it had been reported that on August 27 and 28, 2015 sensitive "LIDAR" (Light Detection and Ranging) equipment and drones were utilized to survey various measurements that included the GKM adit opening. Once the LIDAR

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results had been captured, it was determined by (b) (6) & (b) (6), (b) (7)(C) that the actual distance between the GKM brow and the GKM rubble (visible floor) was 13'.

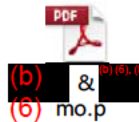
According to (b) (6), (b) (7)(C) email and the (b) (6), (b) (7)(C) & (b) (6), (b) (7)(C) Memorandum, after August 31, 2015, the GKM was rehabilitated effectively raising the then existing adit brow by several feet and the rubble and surface was excavated, effectively lowering the visible floor of the GKM by several feet, Figure 6. With rehabilitation work completed, the current measurement between the GKM adit brow and its floor is approximately 21' (11,457' - 11,436').

Attachments:

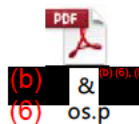
1. (b) (6), (b) (7)(C) email, dated March 11, 2016.



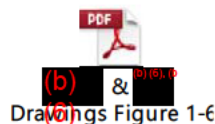
2. (b) (6), (b) (7)(C) email attachment of (b) (6), (b) (7)(C) & (b) (6), (b) (7)(C) Memorandum, dated March 4, 2016.



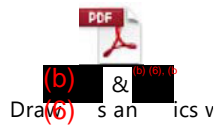
3. (b) (6), (b) (7)(C) email attachment of (b) (6), (b) (7)(C) & (b) (6), (b) (7)(C) photographs at GKM, all dated 2015: August 17, August 28, September 3, September 17, September 18, September 30, October 27 and October 29.



4. (b) (6), (b) (7)(C) email attachment of (b) (6), (b) (7)(C) & (b) (6), (b) (7)(C) Engineering drawings at GKM, dated "March 2016."



5. GKM photographs on August 4, 2015 at 10:28A and on August 5, 2015 at 2:14P, as well as, the Reporting Agent calculations reference (b) (6) & (b) (6), drawings, Figure 2 & 6, dated March 2016.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
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WASHINGTON, DC 20004

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

PREPARED BY: (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY

On April 29, 2016, the Reporting Agent conducted a review of several email communications, a Memorandum regarding a *Response to Contract Questions from OIG Office of Investigations* and an *Action/Work Plan*, dated May 2015, approximately three months prior to the Gold King Mine release of contaminated water into the Animas River and prepared by EPA contractor Environmental Restoration, LLC (ER).

The OIG's Office of Audit conducted a review of the ER Contract No. EP-S8-13-02 and found no evidence that ER was not in compliance with either the terms or conditions of the contract related to activities to be performed at GKM.

A review of the ER *Action/Work Plan* indicated that it had been proposed and incorporated into the plan to "re-open the Gold King Mine portal and workings to investigate the conditions to assess the on-going releases [at GKM]." There were numerous activities planned in advance of "[g]radually lower[ing] the debris blockage..." and these included Pre-Mobilization, *Mobilization, Phase 1 Site Preparation* and a portion of *Phase 2 Portal Installation and Adit Rehab*. In particular, the first five steps of the total twenty-two steps in Phase 2, before lowering the blockage, included: 1) *Utilize ramp created in site set up to access slope above portal*; 2) *Excavate loose material from the top of the high wall*; 3) *Drill in wire mesh anchors*; 4) *Hang wire mesh on the high wall as excavation to the sill of the portal proceeds*; 5) *Excavate to the sill and into the competent rock face at portal*; and then, 6) *Gradually lower the debris blockage with the appropriate pumping of the impounded water to water management/treatment system...to prevent the uncontrolled release of mine water. If possible a 4" steel stinger will be inserted through the blockage to lower the mine pool prior to any removal.*

Based upon the above set of Phase 2 steps, this investigation had determined only steps 1, 2 and 5 of Phase 2 were executed on August 5, 2015.

Emails dated November 13, 2015, December 4 and 18, 2015; and finally, January 19, 2016 indicated reviews conducted by the EPA and independently by the OIG confirmed that officials from the Colorado Department of Natural Resources had "understood that...one of the objectives related to the Red and Bonita was to evaluate the Gold King Mine if possible in coordination with the Red and Bonita work."

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Page 1

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Attachments:

1. Office of Audit contract review.



OA contract
GKM.pdf

2. ER Action/Work Plan, dated May 2015.



ER Action & Work
Plan.pdf

3. Associated Press release, dated November 13, 2015.



AP release.pdf

4. EPA Cooperative Agreement, Grant Number 96819601, dated March 11, 2015.



Coop
Agreement.pdf

5. OIG, Office of Program Evaluation email, dated December 18, 2015.



OPE email on
DRMS.pdf

6. OIG, Office of Program Evaluation email, dated January 19, 2016.



OPE email on Coop
Agreement.pdf



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PREPARED BY: (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY

On May 3, 2016, the Reporting Agent conducted a review of a rebuttal report (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

In addition to the (b) (6), (b) (7)(C) report, referencing the Gold King Mine (GKM) incident of August 5, 2015, the Reporting Agent also reviewed an email attachment from an Associated Press release, dated February 11, 2016, referring to an unspecified number of U.S. House of Representatives committee documents. The purpose for this review was to assess (b) (6), (b) (7)(C) rebuttal to a previously published Department of Interior, Bureau of Reclamation (BOR) report, dated October 2015 and titled "Technical Evaluation of the Gold King Mine Incident."

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This document review was completed.

Attachments:

1. (b) (6), (b) (7)(C) rebuttal report, dated (b) (6), (b) (7)(C).



(b) (6), (b) (7)
(b) (7)



Transmittal email of
rebuttal.pdf

2. Associated Press release, dated February 11, 2016.



Associated Press
GKM release.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

PREPARED BY: (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY

On May 3, 2016, the Reporting Agent conducted a review of a Gold King Mine (GKM) 2015 Field Schedule spreadsheet that had been revised on June 10, 2015. This schedule was initially provided on October 30, 2015 by EPA employee (b) (6), (b) (7)(C)

he purpose for this review was to confirm work scheduled at GKM during the first week of August 2015 was intended only to prepare GKM for review during the following week by Department of Interior's Bureau of Reclamation officials.

(b) (6), (b) (7)(C)

This document review was completed.

Attachments:

1. (b) (6) email and GKM 2015 Field Schedule, dated June 10, 2015.



(b) (6), (b) (7)
(6))



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: Hotline #2015-0362

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

MEMORANDUM OF ACTIVITY

NARRATIVE: On May 26, 2016, (b) (6), (b) (7)(C) Office of Investigations, Office of Inspector General, U.S. Environmental Protection (b) (6), (b) (7)(C) reviewed the Approved Jurisdictional Determination Form (JD) regarding the Animas River. The JD was provided by (b) (6), (b) (7)(C) United States Army Corps of Engineers, Sacramento District, Regulatory Division, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) The purpose of the review was to determine if the Animas River is considered a Traditional Navigable Water of the United States.
(Attachment 1)

Under Section I (C): "Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Animas River."

Under Section II (A): "There are *"navigable waters of the U.S."* within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: According historic information, the Animas River provided transportation to and from the Town of Durango since its establishment.

"With the backing of the railroad, Durango never looked back. Located on the Animas River where natural transportation routes converged and blessed with an abundance of nearby coal resources, Durango became a dominant community in Southwest Colorado."

Nothing further.

Attachment:

1. Animas River Jurisdictional Determination, dated June 21, 2007.



Animas River
Jurisdictional Deter



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

PREPARED BY: (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY

On May 2, 2016, the Reporting Agent conducted a review of the EPA's Internal Review Team *Summary Report*, dated August 24, 2015; the EPA's *Qualifications of Individuals Involved with the Gold King Mine* memorandum, dated December 4, 2015; the EPA's summary record and follow up interview script questions of (b) (6), (b) (7)(C); the EPA's *Addendum to the EPA Internal Review Report of the Gold King Mine (GKM) Incident*, dated December 8, 2015; and, the EPA's PolRep #1 for GKM, dated September 25, 2014. The purpose for this review was to assess the EPA's determination of any EPA employee wrongdoing at GKM, which may have either lead or contributed to the uncontrolled release of contaminated water into the Animas River near Silverton, CO.

Summary Report.

At page 5 of 11, paragraph 5, the EPA's *Summary Report* (SR) stated that on August 4, 2015 *excavation began above the top of the Adit to remove consolidated soils and debris. The goal was to find competent bedrock within which to anchor a support structure for the Adit. During the first day of excavation, according to the OSC (On-scene Coordinator), mine timbers and the external adit blockage were newly exposed.*

At page 5 of 11, paragraph 6, the EPA's SR stated that on August 5, 2015 the *OSC observed a solid rock surface and constructed a ramp above the external Adit blockage to remove soil from the bedrock surface. During the excavation, the lower portion of the bedrock face crumbled away and there was a spurt of water from the area in the lower portion of the excavation area. This paragraph went on to state that the OSC speculated that the excavation might have knocked something loose when removing the soils from the rock face. Further, that it had taken approximately 3-4 minutes between the spurt of water and the flow of red/orange water; and, that it hdd taken approximately 1 hour for the peak flow to subside.*

At page 6 of 11, bullet #1, the *work plan accounted for the possibility of pressurized (mine water with a head high enough to cause water to exit the Adit at high velocity) mine water conditions. In the introduction, the work plan states:*

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Page 1

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Conditions may exist that could result in a blow out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals.

At page 7 of 11, bullet #1, the inability to obtain an actual measurement of the mine water pressure behind the entrance blockage seems to be a primary issue at this particular site.

At page 9 of 11, #7, the Team conclude[d] that the Adit blowout was likely inevitable.

At page 9 of 11, #8, the underestimation of the water pressure in the Gold King Mine workings is believed to be the most significant factor relating to the blowout.

Qualifications Memorandum

The EPA determined that both its employees and those specialized contractor personnel on-site at GKM on August 4 and 5, 2015 were appropriately educated, trained and technically qualified to have performed services at GKM.

EPA follow up Interview Questions

(b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

Addendum to the EPA Internal Review Report

At page 2 of 6, paragraph 3, by 2014 EPA was working with DRMS (Colorado Division of Reclamation, Mining and Safety) to take action at the GKM site to address both the potential for a catastrophic release and the ongoing adverse water quality impacts caused by the significant mine discharges into the Upper Animas River Watershed.

At page 2 of 6, paragraph 4, [w]ork stopped [in 2014]...until the following year due to the coming winter weather.

However, either in contrast with or in addition to the above purportedly prevailing incoming winter weather basis for discontinuing GKM work in 2014, OSC PolRep #1, dated September 25, 2014, documented how the work on the blockage was stopped when it was determined the elevation of the adit floor was estimated to be 6 feet below the waste-dump surface elevation.

At page 3 of 6, paragraph 2, relying on the July 29, 2015 email (b) (6), (b) (7)(C) [REDACTED] water management system would be needed if there was a decision to open the GKM site adit since there was potentially significant water buildup in the adit; ...excavation above and at the face of the adit was needed to determine the exact location and condition of the blockage, and the exact location of the bedrock above and around the adit; ...and how this

information was needed to inform options to be considered for future work, which would be discussed during a consultation meeting planned for August 14, 2015.

There was no mention in the above Addendum of (b) (6), (b) (7)(C) July 29, 2015 email which stated *Adit drainage control.*

At page 4 of 6, paragraph 1, (b) (6), (b) (7)(C) on August 4, 2015, *the team slowly and carefully scraped away loose soil and rubble near the face of the adit with the initial goal of locating the primary blockage.* And later within the same paragraph and (b) (6), (b) (7)(C) on August 5, 2015, *the team began additional excavation to identify the location of bedrock above and around the adit. Through this careful scraping and excavation, they were able to locate the bedrock. (b) (6), (b) (7)(C) the final cleanup work, which included clearing of the loose colluvium [material that accumulates at the foot of a steep slope] near the adit.*

At page 4 of 6, paragraph 2, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) determined that (b) (6), (b) (7)(C) and the team were much closer to the brow of the adit when excavating on August 5 [2015] than they thought, perhaps only a foot or so above the adit brow, which turned out to be approximately 19 feet above the adit floor, due to additional collapsing above the original portal location. The fact that the adit opening was about 2 times the assumed 8 to 10 foot maximum adit height resulted in a closer than anticipated proximity to the adit brow, and combined with the pressure of the water was enough to cause the spout and blowout.

At page 5 of 6, bullet #1, the work being conducted on August 4 and 5 [2015] was completely consistent with the direction (b) (6), (b) (7)(C). It was assessment work that needed to be conducted to expose the portal and surrounding bedrock to allow observation of the portal conditions for development of a detailed plan to reopen the adit.

At page 5 of 6, bullet #3, the excavation work on August 4 and 5 [2015] was ultimately a decision to be made by (b) (6), (b) (7)(C). The purpose of the excavation was to locate the adit blockage, and to locate competent bedrock above the top of the adit.

At page 5 of 6, bullet #4, on August 4, 2015...they had not yet located the bedrock above the adit.

At page 5 of 6, bullet #5, on August 5, 2015...the team (b) (6), (b) (7)(C) continued to carefully scrape away and remove the loose soil and rubble until they finally located the bedrock. The team had just finished locating the bedrock, and were clearing away some additional rubble in front of the adit face, when they spotted a water spout, followed shortly thereafter by a large release of water.

At page 6 of 6, bullet #2, the work being conducted on August 4 and 5 [2015] was completely consistent with (b) (6), (b) (7)(C)

This document review was completed.

Attachments:

1. EPA Summary Report, dated August 24, 2015.



GKM Internal
Review.pdf

2. EPA Qualifications Memorandum, dated December 4, 2015.



GKM Qualifications
Memo.pdf

3. EPA scripted interview questions purportedly asked during EPA interview conducted on December 2, 2015.



GKM EPA
Questions.pdf

4. Addendum to EPA Internal Gold King Mine Review Report, dated December 8, 2015.



GKM Addendum
Report.pdf

5. EPA PolRep #1, dated September 25, 2014.



GKM EPA PolRep
#1.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
SAN FRANCISCO FIELD OFFICE

SAN FRANCISCO OFFICE
75 Hawthorne St. (IGI-1)
San Francisco, CA 94105
415-947-4507

DENVER OFFICE
1595 Wynkoop St., 4th Fl.
Denver, CO 80202
303-312-6815

SEATTLE OFFICE
1200 Sixth Ave., OIG-195
Seattle, WA 98106
206-553-2543

May 26, 2016

(b) (6), (b) (7)(C)

Federal Bureau of Investigation
8000 East 36th Avenue
Denver, CO 80238

Dear (b) (6), (b) (7)(C)

Pursuant to the Homeland Security Act of 2002, we are notifying your Agency of a case which may be of mutual interest:

DATE OPENED: August 13, 2015
SUBJECT NAME: (b) (6), (b) (7)(C)
ADDRESS: (b) (6), (b) (7)(C)
CASE NUMBER: OI-HQ-2015-CFR-0108
EPA CASE AGENT: (b) (6), (b) (7)(C)
ISSUE/ALLEGATION: False Statements and Clean Water Act Violation

The EPA Office of Inspector General, Office of Investigations initiated an investigation regarding potential False Statements and Negligence on the part of (b) (6), (b) (7)(C) Region 8, EPA, (b) (6), (b) (7)(C) surrounding the August 5, 2015, release of 3+ million gallons of mine water from the Gold King Mine located in Silverton, Colorado.

If you have any questions or wish to discuss this case in further detail, please contact the case agent, (b) (6), (b) (7)(C)

Sincerely,

(b) (6), (b) (7)(C)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 HAWTHORNE STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

MEMORANDUM OF INTERVIEW

Interview Date:	August 20, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Video Teleconference Call
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 20, 2015, (b) (6), (b) (7)(C) Office of Investigations, interviewed (b) (6), (b) (7)(C). The purpose of this interview was to obtain information about the release of water from the Gold King Mine (GKM) site, Silverton, CO. Prior to the interview, (b) (6), (b) (7)(C) was advised it was voluntary and (b) (6), (b) (7)(C) could terminate the interview at any time. Also present were (b) (6), (b) (7)(C). After introductions were made and the purpose of the interview explained, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C)

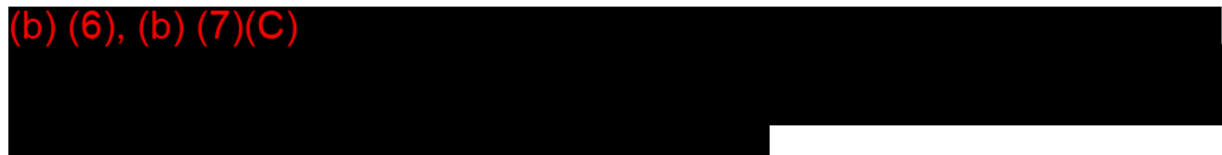
(b) (6), (b) (7)(C)

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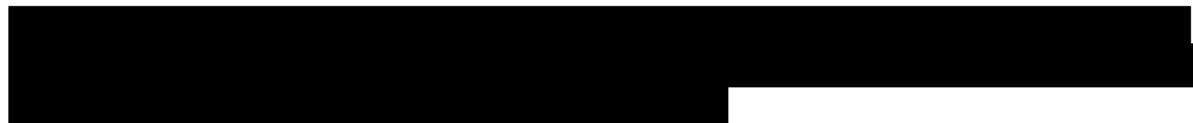
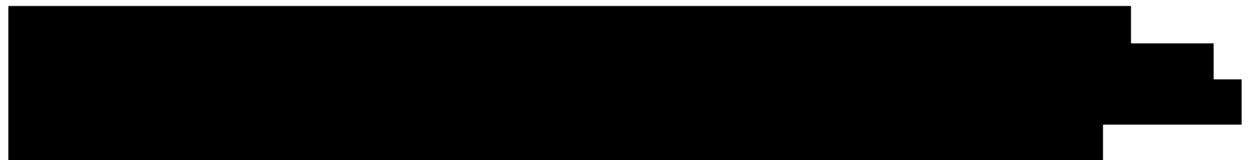
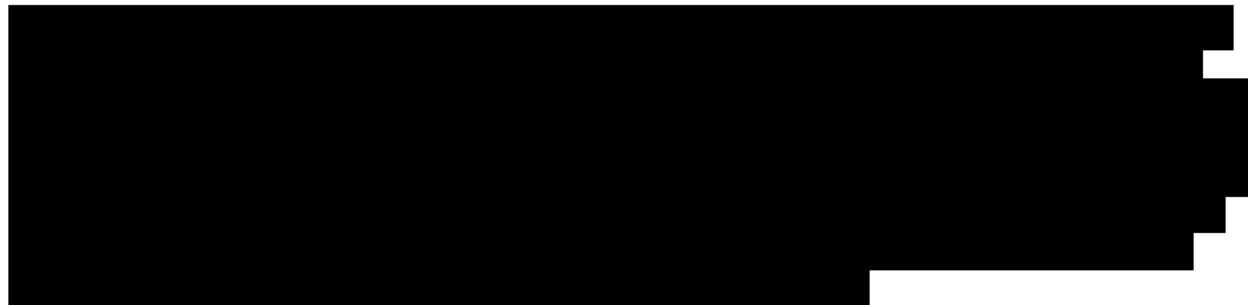
Page 1

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(b) (6), (b) (7)(C)



(b) (7)(C)



Attachment(s): None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 HAWTHORNE STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

MEMORANDUM OF INTERVIEW

Interview Date:	August 21, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 21, 2015, (b) (6), (b) (7)(C) Office of Inspector General (OIG), Office of Investigations, interviewed (b) (6), (b) (7)(C). The purpose of this interview was to obtain information about the release of water from the Gold King Mine (GKM) site, Silverton, CO. Prior to the interview, (b) (6), (b) (7)(C) was advised it was voluntary and (b) (6), (b) (7)(C) could terminate the interview at any time. Also present was (b) (6), (b) (7)(C). After law enforcement credentials were shown and the purpose of the interview explained, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C)

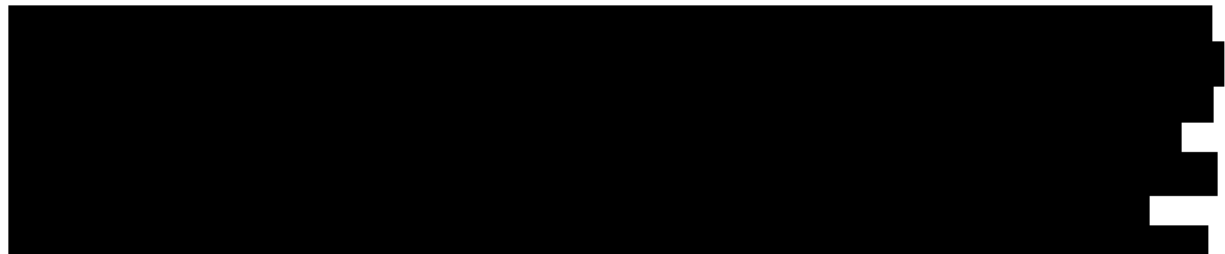


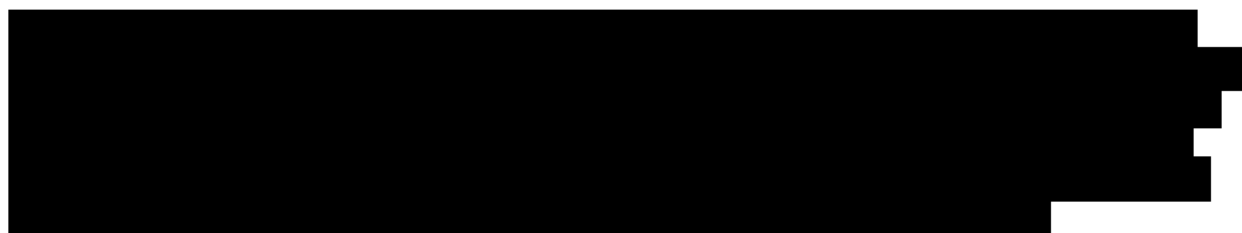
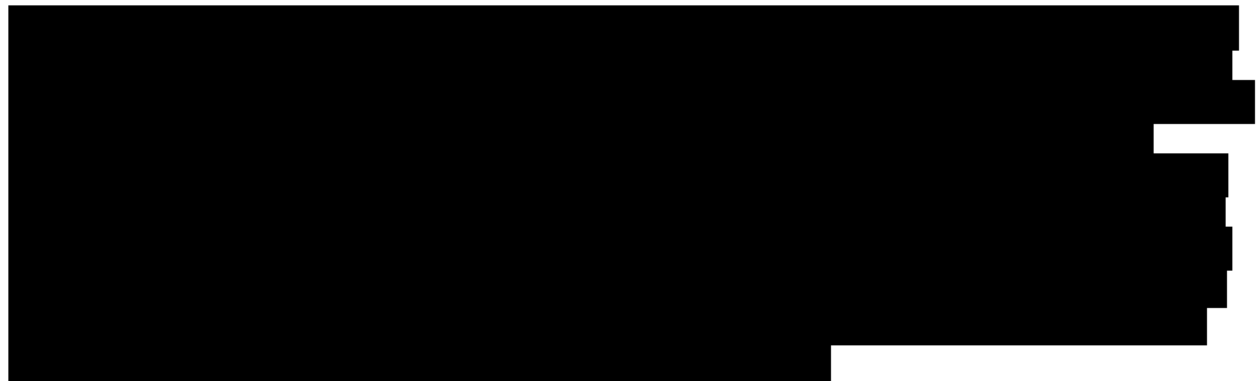

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)




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(b) (6), (b) (7)(C)



(b) (7)



(C) (b) (7)

Attachment(s): None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

MEMORANDUM OF INTERVIEW

Interview Date:	AUGUST 21, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C) Environmental Restoration LLC
Interview Location:	(b) (6), (b) (7)(C) Silverton, CO
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 21, 2015, (b) (6), (b) (7)(C) (OIG), Office of Investigations (OI), interviewed (b) (6), (b) (7)(C) Environmental Restoration LLC (ER). The purpose of this interview was to obtain information about the release of mine waste water from the Gold King Mine (GKM) near Silverton, Colorado. After the Reporting Agent identified (b) (6), (b) (7)(C) as a Special Agent with EPA's OIG, (b) (6), (b) (7) provided the following information.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

RESTRICTED INFORMATION

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Agent's Notes:

Photos and videos taken by (b) (6), (b) (7)(C) were requested through (b) (6), (b) (7)(C).

Interviewee Contact Information:

(b) (6), (b) (7)(C)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

61 FORSYTH STREET, S.W., ROOM 12T20
ATLANTA, GA 30303

MEMORANDUM OF INTERVIEW

Interview Date:	August 20, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C) Colorado Division of Reclamation, Mining and Safety, Denver Colorado
Interview Location:	EPA Command Center Gladstone, Colorado
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 20, 2015, (b) (6), (b) (7)(C) Colorado Division of Reclamation, Mining and Safety (DRMS), Denver, CO regarding the August 5, 2015 release of approximately 3 million gallons of contaminated water from the Gold King Mine into the Animas River, via the Cement Creek tributary. Also present at this interview was (b) (6), (b) (7)(C). After proper identification was shown and being advised about the nature of the interview, (b) (6), (b) (7)(C) provided the following information:

Biographical:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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Page 1

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(b) (6), (b) (7)(C)

Historical Information Regarding Water Discharge from Gold King Mine

The Gold King Mine has been in operation since the late 1800's. Water has discharged from the mine since that time.

In 1959/1960, the American Tunnel was completed. The tunnel passes approximately 500 feet underneath the Gold King Mine and connects to the Sunnyside Mine. Upon completion, water discharge from Gold King Mine virtually ceased. There is no direct connection between the American Tunnel and Gold King Mine.

In 1991, the Sunnyside mine was closed. In ensuing years, bulkheads were installed within the mine and tunnel to stop the discharge of water. The first American Tunnel bulkhead was installed in 1996. This restored the water's "historical natural flow" and water again began to discharge from the Gold King Mine.

Two points of water discharge at the Gold King Mine were identified: Level 7 adit west and Level 7 adit Barbara (BARBARA). The water flow from the Level 7 adit west was small/minimal and allowed to free flow. The water discharge from BARBARA was considerably more and flowed into Cement Creek.

In 2007, there was a "burp" or small blow-out at BARBARA which released a quantity of contaminated water into Cement Creek, and eventually the Animas River. DRMS directed the mine's owner ((b) (6), (b) (7)(C); San Juan Corporation) to make repairs and remediate the affected area. The owner was financially unable to perform as ordered. In response, the State of Colorado revoked the permit for Gold King Mine. The bond for the mine was forfeited.

The classification of a mine (e.g. abandoned, inactive, etc.) determined what state funds could be applied to activities at the location. DRMS actions placed Gold King Mine in a "hybrid" status; thereby, effecting what state funds were available for use at the location. The amount of funding dictated what actions could be taken.

DRMS utilized the forfeited bond (approximately \$40k) and some state funds to conduct the needed repairs/remediation at Gold King Mine.

DRMS preformed projects at Gold King Mine in 2008 and 2009. (b) (6), (b) (7)(C)
The DRMS projects resulted in the installation of two pipes into the BARBARA adit to control the drainage of water from the adit. A concrete sump was poured and the water was directed down the mountain by a half culvert. (b) (6), (b) (7)(C) agreed to furnish EPA-OIG with photos documenting the DRMS projects.

EPA Water Discharge Control Efforts at Red and Bonita Mine

(b) (6), (b) (7)(C)

The Red and Bonita Mine is located within the Cement Creek watershed, same as the Gold King Mine.

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In 2010, it was decided to attempt to control the water discharging at the mine's adit. There was a collapse at the mine's portal so the quantity of water pooled behind the collapse/blockage was unknown. A hole was drilled into the adit, above and immediately behind the portal collapse. This procedure allowed the water level behind the collapse to be determined.

EPA Activities at Gold King Mine Prior to August 5, 2015

(b) (6), (b) (7)(C)

(C)

The investigation at Gold King Mine included the excavation of some loose material at the BARBARA adit. This excavation revealed an anomaly. Normally, the top of the mine dump was aligned with the floor of the adit. In the case of the Gold King Mine, the excavation revealed the mine dump was actually covering a portion of the adit. (b) (6), (b) (7)(C)

Based on these "unusual circumstances" as well as other factors, (b) (6) decided that additional protections would be installed while the planned activities would be postponed until 2015.

(b) (6), (b) (7)(C)

In February 2015, DRMS received a copy of EPA's draft written plan for activities at the Gold King Mine. The plan was prepared with input from Harrison-Western. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

The final plan had

incorporated the suggestions of DRMS. Plans for these types of projects must be flexible and should be changed as situations dictate. All personnel at this meeting concurred that this was a “good plan.” (b) (6), (b) (7)(C)

[REDACTED]

DRMS was “comfortable” with EPA’s estimates of the size of the chamber (“plus/minus a few feet”) and the amount of water expected behind the blockage/collapse. No mine maps identifying the dimensions of the chamber were available/known. The EPA estimates were based on: publicly available information on the mine; information obtained from persons who had previously worked/been in the mine; information obtained from DRMS regarding their 2007-09 activities at Gold King Mine; monitoring/sampling results obtained from site; and observations from the 2014 EPA excavation activities at site.

The objective of EPA plan was similar to its previous objectives with the Red and Bonita Mine. The first step was to remove the water pooling behind the blockage/collapse. However, based on circumstances at Gold King Mine, EPA planned to excavate, instead of drilling, in order the place a drain pipe.

While the conditions surrounding the Gold King Mine were different from those of the Red and Bonita Mine, a similar drilling operation similar to the one previously performed at Red and Bonita Mine could have been performed to determine the water level behind the collapse at the Gold King Mine “with the right level of effort.” However, this procedure was “difficult” and presented “its own risks.”

The measurements obtained from the monitoring of the water emerging from the mine was a “good indication” and an acceptable method of determining “the level of water behind the blockage.”

(b) (6), (b) (7)(C)

[REDACTED]

Activities Precipitating the August 5, 2015 Release of Water from Gold King Mine


(b) (6), (b) (7)(C)

[REDACTED]

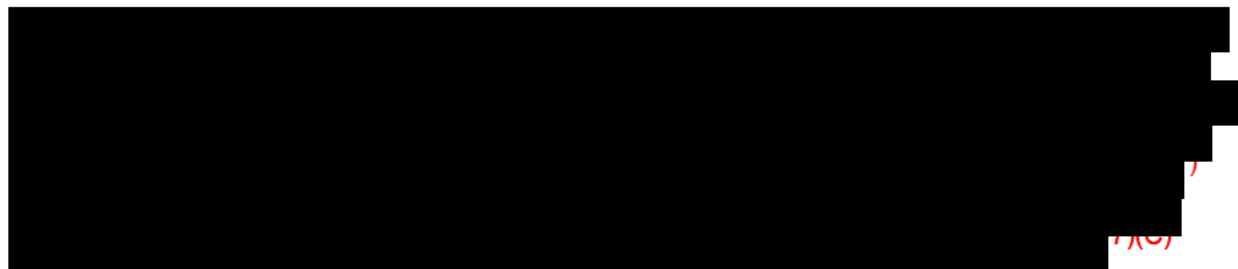

(b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

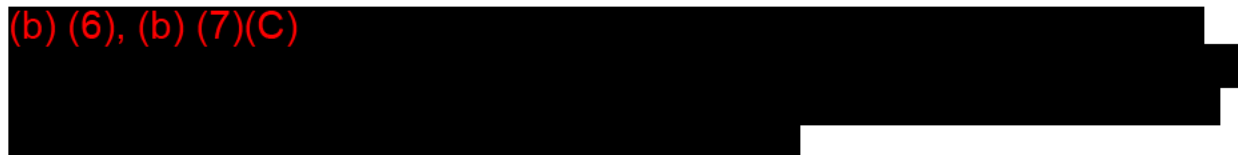


(b) (6), (b) (7)(C)



Response to Release of Water from Gold King Mine

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C) [Redacted]
(b) (7) [Redacted]

Additional Observations / Comments

(b) (6), (b) (7)(C) [Redacted]

[Redacted]

[Redacted]

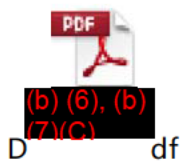
[Redacted]

[Redacted]

[Redacted]

Attachments:

1. Illustration created by (b) (6), (b) (7)(C) dated 08/20/2015.



(b) (6), (b) (7)(C)

(b)

(b)

(b)

(b) (7)

(b)

(b) (6), (b) (7)(C)

(b)

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Nothing further.

Attachment(s):

1. National Response Center, Gold King Mine Spill Notification, dated August 5, 2015.



NRC GKM Spill
Notification.pdf

2. Colorado Department of Public Health and Environment, Gold King Mine Spill Notification, dated August 5, 2015.



CDPHE GKM Spill
Notification.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

MEMORANDUM OF INTERVIEW

Interview Date:	AUGUST 21, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C) Silverton, CO
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 21, 2015, (b) (6), (b) (7)(C) Office of Inspector General (OIG), Office of Investigations (OI), interviewed (b) (6), (b) (7)(C) Environmental Restoration LLC (ER). The purpose of this interview was to obtain information about the release of mine waste water from the Gold King Mine (GKM) near Silverton, Colorado. After the Reporting Agent identified (b) (6), (b) (7)(C) as a Special Agent with EPA's OIG, (b) (6) provided the following information.




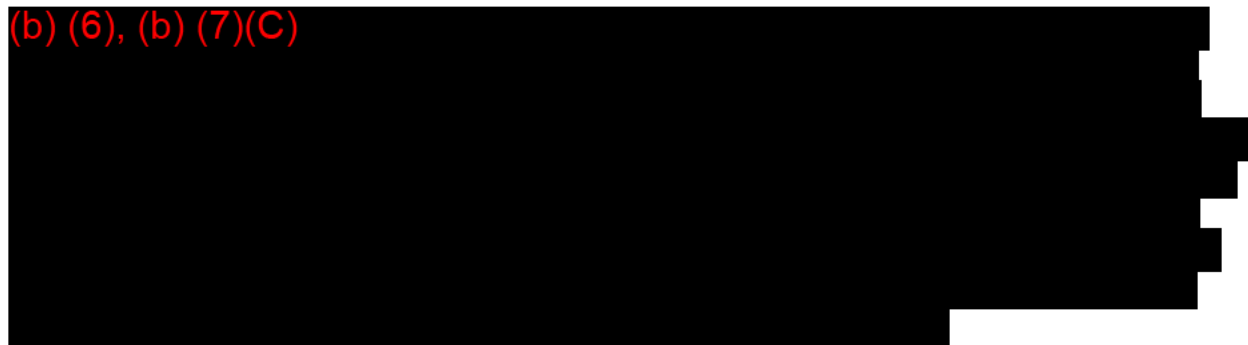
(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)





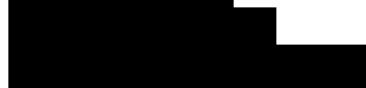
(b)

Agent's Notes:

Photos and videos taken by (b) (6) were requested through ER Legal Counsel (b) (6), (b) (7)(C)

Interviewee Contact Information:

(b) (6), (b) (7)(C)



Nothing further.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 HAWTHORNE STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

MEMORANDUM OF INTERVIEW

Interview Date:	August 26, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	OIG Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	None

On August 26, 2015, (b) (6), (b) (7)(C) [redacted]
[redacted] Office of Inspector General (OIG), Office of Investigations,
interviewed (b) (6), (b) (7)(C) [redacted] Colorado Division of Reclamation, Mining and Safety
(DRMS), Denver, Colorado, (b) (6), (b) (7)(C) [redacted]. The purpose of this interview was to obtain
information about the release of water from the Gold King Mine (GKM) site in Silverton,
Colorado. Prior to the interview, (b) (6), (b) (7)(C) [redacted] was advised it was voluntary and (b) (6), (b) (7)(C) [redacted] could terminate the
interview at any time. After law enforcement credentials were shown and the purpose of the
interview explained, (b) (6), (b) (7)(C) [redacted] provided the following information:

(b) (6), (b) (7)(C) [redacted]
[redacted]
[redacted]

(b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted]
[redacted]
(b) (7)(C) [redacted]

[redacted]
[redacted]
[redacted]
[redacted]

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(b) (6), (b) (7)(C)

(b)

(b) (7)


(b) (7)

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(b) (6), (b) (7)(C)



(b) (7)(C)



(b) (7))



(b) (7)

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(b) (6), (b) (7)(C)

(b)

Attachment:

1. DRMS GKM Summary.



DRMS GKM
Summary.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

MEMORANDUM OF INTERVIEW

Interview Date:	AUGUST 20, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	EPA Command Center, Gladstone, Colorado
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 20, 2015, (b) (6), (b) (7)(C) [redacted] Office of Inspector General (OIG), Office of Investigations (OI), interviewed (b) (6), (b) (7)(C) [redacted]. The purpose of this interview was to obtain information about the release of mine waste water from the Gold King Mine (GKM) near Silverton, Colorado. After the Reporting Agent identified (b) (6), [redacted] as a Special Agent with EPA's OIG, (b) (6) [redacted] provided the following information:

(b) (6), (b) (7)(C) [redacted]

(b) (6)



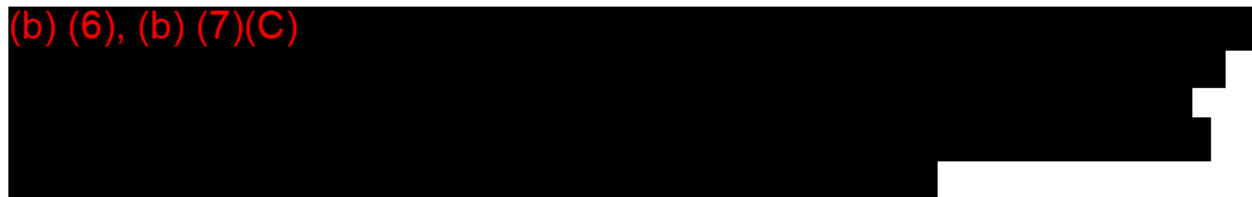
[redacted] (b) (6)

[redacted] (b) (6)

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(b) (6), (b) (7)(C)






Agent's Notes:

The GKM site has no cellular telephone service. Radios were the only method of communication. The satellite phone was located at central location to the other mines being worked on. (b) (6), (b) (7)(C) logbook and any photos/videos taken concerning the event were requested.

Interviewee Contact Information:

(b) (6), (b)
(7)(C)



Nothing further.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

CASE INITIATION

Subject(s)	Location	Other Data
Unknown	Gold King Mine Silverton, Colorado	

NARRATIVE: On August 13, 2015, an investigation was initiated based on a Congressional request received by the United States Environmental Protection Agency (EPA) Office of Inspector General (OIG), Washington, D.C., to look into the accidental release of approximately three million gallons of mine waste from the Gold King Mine near Silverton, Colorado.

On August 5, 2015, the EPA was conducting an investigation of the Gold King Mine to assess the on-going water releases from the mine, treat mine water and assess the feasibility of further mine remediation. While excavating above the old adit, pressurized water began leaking above the mine tunnel, spilling approximately three million gallons of water stored behind the collapsed material into Cement Creek, a tributary of the Animas River.

This investigation is within the jurisdiction of the EPA OIG Office of Investigations as it pertains to possible misconduct/malfeasance on the part of EPA employees and/or EPA contract personnel.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2015-CFR-0108

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

MEMORANDUM OF ACTIVITY
REPORT OF INVESTIGATION DELIVERY

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Delivered on: 4/5/17

Received by: Mike Flynn, Acting Deputy Administrator
(printed name & title)

Document not signed at time of delivery
(signature)

Delivered by: Patrick Sullivan, Assistant Inspector General for Investigations
(printed name)


(signature)

CASE:
GOLD KING MINE
INCIDENT (ANIMAS
RIVER)

DATE OF ACTIVITY:
April 5, 2017

AGENT(S): (b) (6), (b) (7)(C)

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Page 1 of 1

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE, NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2015-CFR-0108

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

MEMORANDUM OF ACTIVITY
REPORT OF INVESTIGATION DELIVERY

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Delivered on: 4/5/17

Received by: Mike Flynn, Acting Deputy Administrator
(printed name & title)

Document not signed at time of delivery
(signature)

Delivered by: Patrick Sullivan, Assistant Inspector General for Investigations
(printed name)


(signature)

CASE:
GOLD KING MINE
INCIDENT (ANIMAS
RIVER)

DATE OF ACTIVITY:
April 5, 2017

AGENT(S): (b) (6), (b) (7)(C)

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Page 1 of 1

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: Hotline #2015-362

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

SIGNIFICANT INCIDENT REPORT

NARRATIVE: On September 29, 2015, (b) (6), (b) (7)(C) telephonically coordinated with Suneeta Hazra, Assistant United States Attorney (AUSA), Chief, Economic Crimes Section, United States Attorney's Office, District of Colorado, Denver, Colorado, (b) (6), (b) (7)(C). The purpose of the coordination was to discuss a letter received by the EPA OIG from the Arizona Attorney General's office requesting whether the EPA OIG's investigation into the release of mine water from the Gold King Mine on August 5, 2015, looked into a possible violation of 42 U.S.C. 9603(a) - Notification requirements respecting released substances.

(b) (6), (b) (7)(C) explained that during the course of the investigation into the mine water release, documentation obtained and interviews conducted detailed that the National Response Center (NRC) was notified of the release. (b) (6), (b) (7)(C) Colorado Division of Reclamation, Mining and Safety moved from the mine area (where there was no cell reception) toward Silverton, Colorado (where there was cell service), (b) (6) called the NRC (NRC Report #1124824) to report the spill. The Report was received by the NRC at 2:27pm Eastern.

Within 10-12 minutes of NRC receiving the information, they notified the CDC; DHS; CGIS; CDPHE; Colorado Information Analysis Center; DOT Crisis Mgmt Center; EPA Region 8; National Infrastructure Coordination Center; NOAA; National Response Center; Colorado Oil & Gas Conservation Committee; DOI/OPEC; and the USCG District 8.

Based on the facts discovered during the course of the investigation, AUSA Hazra (b) (5), (b) (7)(E)

Attachments:

None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1595 WYNKOOP STREET, 4TH FLOOR
DENVER, CO 80202-1129

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #: Hotline #2015-362

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

CASE AGENT (if different from prepared by):

SIGNIFICANT INCIDENT REPORT

NARRATIVE: On October 6, 2016, (b) (6), (b) (7)(C) met with Assistant United States Attorney (AUSA) Suneeta Hazra, Chief, Economic Crimes Division, United States Attorney's Office, District of Colorado, 1225 17th Street, Denver, Colorado, (b) (6), (b) (7)(C), and provided the facts to date surrounding this investigation.

AUSA Hazra stated her office was declining prosecution based on (b) (7)(E), (b) (5)

[REDACTED]

[REDACTED]

Attachments:

None.